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Filing date: **03/15/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92046185
Party	Plaintiff Amanda Blackhorse, Marcus Briggs, Phillip Gover, Shquanebin Lone-Bentley, Jillian Pappan, and Courtney Tsotigh
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Signature	/Jesse A. Witten/
Date	03/15/2012
Attachments	Part 43B of 60 BLA-TTAB-04388 - 04683.pdf (149 pages)(3765162 bytes)

1 EXAMINATION

2 BY MR. LINDSAY:

3 Q. Dr. Ross, whether or not the questions were
4 properly included within the scope of the direct
5 examination for today's deposition, Mr. Reiner
6 asked a substantial number of questions
7 pertaining to various aspects of probability
8 sampling for your survey.

9 My question, sir, is: Even if there
10 are any technical imprecisions with respect to
11 the manner in which your study was implemented,
12 do those imprecisions have any bearing upon your
13 conclusions in this matter?

14 A. Absolutely not.

15 MR. LINDSAY: That's all I have.

16 MR. REINER: I have one question, then.

17 EXAMINATION

18 BY MR. REINER:

19 Q. Is this a probability study?

20 A. Within the confines of the description of what
21 was done in the report.

22 Q. Is it a probability study?

23 MR. LINDSAY: Asked and answered.

24 A. Asked and answered.

25 Q. That's the only answer you'll give. All right.

RAY J. LERSCHEN & ASSOCIATES

1 Fine.

2 MR. REINER: Now, Mr. Lindsay, will you
3 produce this witness again sometime next week?

4 MR. LINDSAY: I've already stated my
5 position. And if we're going to have further
6 discussion on it, I think you and I should have
7 that discussion at another time since both --

8 MR. REINER: I just want to know
9 whether you will or not. That's all.

10 MR. LINDSAY: I've stated my position.

11 MR. REINER: All right. That's fine.
12 I've stated mine. And if I do not have the
13 opportunity, I am going to move to preclude this
14 entire session.

15 MR. LINDSAY: I understand that you
16 have, again, stated your position.

17 We reserve the right to read and sign.

18 MR. REINER: Thank you very much.

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RAY J. LERSCHEN & ASSOCIATES

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CERTIFICATE

I, Karen Greene, a Notary Public in and for the State of Minnesota, hereby certify that the within-named deponent was sworn to testify the truth, the whole truth, and nothing but the truth, in the aforementioned cause of action.


I further certify that this deposition was stenographically reported by me and later reduced to print through Computer-Aided Transcription, and the foregoing is a full and true record of the testimony given by the deponent.

I further certify that I am a disinterested person in the event or outcome of the above-named cause of action.

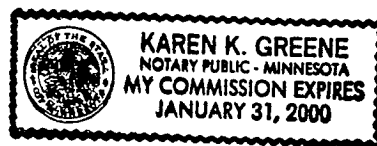
I further certify that the witness chose to exercise the right to read and sign.

Finally, that the cost of the original has been charged to the party who noticed the deposition, and that all parties who ordered copies have been charged at the same rate for such copies.

IN WITNESS WHEREOF I subscribe my hand and affix my seal this 16th day of June, 1997.


KAREN GREENE
Notary Public

My Commission Expires
January 31, 2000



RAY J. LERSCHEN & ASSOCIATES

1 DEPOSITION CORRECTION SHEET
 2 TITLE: Harjo, et al. vs. Pro-Football, Inc.
 3 WITNESS: Ivan Ross
 4 PAGE LINE DESIRED CHANGE

5 33 7

6 "Is -- I inferred, it's the most important one."

7 36 11-15

8 (This is really one sentence - not 3 - substitute commas for periods)

9 39 15

10 "... words, the interviewer didn't say ..."

11 41 9

12 "... or error ..."

13 47 12

14 "... of the screener that ..."

15 54 14

16 "referencing a portion of the Administrative Judge Parker's decision ..."

17 81 10

18 "countries that were not selected ..."

19 _____

20 _____

21 _____

22 _____

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RAY J. LERSCHEN & ASSOCIATES

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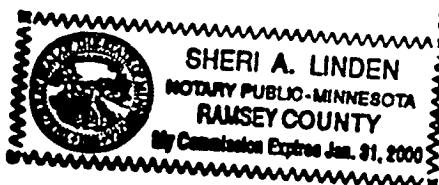
21

22

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Loan Ross

Signature of Witness

Subscribed and sworn to before:

Sheri A. Linden
Notary Public _____ County of
Minnesota _____ 19 _____

PLEASE RETURN TO: KAREN GREENE
5046 DREW AVENUE NORTH
BROOKLYN CENTER, MINNESOTA 55429.

RAY J. LERSCHEN & ASSOCIATES

ES: Stevens 1/30/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X
SUSAN SHOWN HARJO, RAYMOND D. APODACA,
VINE DELORIA, JR., NORBERT S. HILL, JR.,
MATEO ROMERO, WILLIAM A. MEANS, and
MANLEY A. BEGAY, JR.,

Petitioners,

- against -

Cancellation No.

PRO-FOOTBALL, INC.,

21,069

Respondent.

-----X
January 30, 1997

2:30 p.m.

Deposition of RABBI ELLIOT L. STEVENS,
held at the offices of Central Conference of
American Rabbis, 192 Lexington Avenue, New
York, New York, pursuant to Notice, before
TAMI H. TAKAHASHI, RPR and a Notary Public
of the State of New York.

A P P E A R A N C E S:

DORSEY & WHITNEY LLP

Attorneys for Petitioners

250 Park Avenue

New York, New York 10177

BY: STEWART D. AARON, ESQ.

WHITE & CASE

Attorneys for Respondent

1155 Avenue of the Americas

New York, New York 10036-2787

BY: JOHN PAUL REINER, ESQ.,

- and -

CLAUDIA T. BOGDANOS, ESQ.

1
2 IT IS HEREBY STIPULATED AND AGREED,
3 by and between the attorneys for the
4 respective parties herein, that filing and
5 sealing be and the same are hereby waived.

6 IT IS FURTHER STIPULATED AND AGREED
7 that all objections, except as to the form
8 of the question, shall be reserved to the
9 time of the trial.

10 IT IS FURTHER STIPULATED AND AGREED
11 that the within deposition may be sworn to
12 and signed before any officer authorized to
13 administer an oath, with the same force and
14 effect as if signed and sworn to before the
15 Court.

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2 R A B B I E L L I O T L. S T E V E N S,
3 called as a witness, having been duly
4 affirmed by a Notary Public, was examined
5 and testified as follows:

6 EXAMINATION BY

7 MR. AARON:

8 Q. Good afternoon, Rabbi Stevens. My
9 name is Stewart Aaron. I'm an attorney with the
10 law firm of Dorsey & Whitney LLP and we're
11 representing the petitioners in a matter entitled
12 Susan Shown Harjo against Pro-Football, Inc.
13 It's a matter pending in the United States Patent
14 And Trademark Office before the Trademark Trial
15 and Appeal Board.

16 I'm going to be asking you a few
17 questions this afternoon, and you understand that
18 you are under oath, correct?

19 A. Yes.

20 Q. And the questions I'm going to ask
21 you, it's -- you're under oath just as you would
22 be in a trial proceeding. Do you understand
23 that?

24 A. Yes.

25 Q. Could you please state your full name

Stevens

for the record.

A. Elliot L. Stevens.

Q. Okay. And what is your address?

A. By address you mean my office address here?

Q. That's fine.

A. All right. Central Conference of American Rabbis, 192 Lexington Avenue, New York, New York, 10016.

Q. Could you please describe for me your education after high school?

A. I attended four years of undergraduate school at the State University of New York College at Oneonta, New York including a year at the University of Jerusalem. I then had five years of postgraduate work at the Hebrew Union College-Jewish Institute of Religion here in New York, receiving along the way a master's degree in Hebrew letters and concluding with ordination in 1975.

Q. And where are you presently employed, Rabbi Stevens?

A. I'm the executive secretary and director of publications here at the Central

Stevens

Conference of American Rabbis.

Q. And how long have you held that position?

A. Since my ordination in 1975.

Q. Could you please describe for me the duties and responsibilities that you have in that position.

A. They are many. Among others, I plan and run our annual convention. I coordinate the work of some 40 different committees, commissions and task forces. I serve as parliamentarian of the organization. I direct a publications program which has some 50 different trade and professional and scholarly titles. I'm the managing editor of our scholarly journal. I serve in general administration administering the organization as second to an executive vice president under whose direction I work. And I serve the rabbis who are members of this organization in many ongoing ways.

Q. The Central Conference of American Rabbis, that organization, what is the nature of that organization?

A. This is a membership association. All

Stevens

of the members are rabbis. All of our members are reformed rabbis by definition. The organization was founded in 1889. It is the largest and oldest rabbinic body. Our members -- we have nearly 1800 members that are primarily in North America, but also serve in some two dozen other countries around the world.

And I may say reformed Judaism is the liberal expression of Judaism as compared with, for example, Orthodox or conservative Judaism which is somewhat more traditional in their theology practice and philosophy and practice.

Q. Does the Central Conference of American Rabbis have a general purpose or mission?

A. Yes, we do. Formally, I think probably the best expression of that would be a couple of sentences from our bylaws, if I might.

MR. REINER: May we have that marked for identification, please?

MR. AARON: Sure. Why don't we have this document -- would it be acceptable to you?

THE WITNESS: Surely.

Stevens

MR. AARON: Go off the record for a minute.

(Discussion off the record.)

A. This has been --

MR. AARON: One minute, please. Could we please have marked for identification Stevens Exhibit 1 a pamphlet, the cover of which states, "Constitution and By-Laws of the Central Conference of American Rabbis".

(Stevens Exhibit 1, Constitution and By-Laws of the Central Conference of American Rabbis, marked for identification, as of this date.)

MR. REINER: Before any questions are asked, would you please note my objection to the introduction into evidence of that document that's being marked for identification or any testimony relating to that on the grounds that it has never been produced to us before and it was not included on any documents listed in this proceeding.

Q. Rabbi Stevens, when I asked you the question concerning the general purpose or

Stevens

mission of your organization, you sought to refer to a document; is that correct?

A. Yes.

Q. And that document was the Constitution and Bylaws of the Central Conference of American Rabbis?

A. Yes.

Q. Can you answer my question without making reference to this document, Exhibit 1?

A. Yes.

Q. Why don't you please do so.

A. The purpose of the organization is to serve the reform rabbinate and beyond that the Jewish people and the world at large through the programs and services that we provide. We both represent the American reform rabbinate before the Jewish and general public and serve their needs through the programs that we offer.

Q. Does your organization have regular meetings?

A. Yes, it does.

Q. And for what purpose are those meetings held?

MR. REINER: Objection. Vague,

Stevens

indefinite.

Q. What is the purpose of those meetings, if any?

A. Our meetings are of a variety of sorts. Our annual national convention which we have had since our inception in 1889 brings together rabbis from throughout our membership for the purpose of study of both academic and practicing fellowship, the opportunity to engage in discussion on the great issues facing the rabbinate for Jewish people and beyond, and the opportunity to engage in -- to engage in a decision making process that helps us to articulate the positions that we hold on issues that face us.

Q. And who attends the conventions that you hold?

MR. REINER: Objection. Indefinite, no foundation laid with respect to this proceeding.

MR. AARON: He just testified to the conventions.

Q. You may answer the question over the objection.

Stevens

A. The conventions are attended by members of the conference as well as a number of their spouses.

MR. AARON: I'd like to have marked as Stevens Exhibit 2 a one-page document bearing production number 278 which states at the top, "Adopted At The 103rd Annual Convention Central Conference Of American Rabbis April 1992".

(Stevens Exhibit 2, Document entitled "Racism", marked for identification, as of this date.)

Q. Rabbi Stevens, you've been handed what's been marked for identification as Stevens Exhibit 2. Can you identify that document?

A. Yes, I can.

Q. And what is it, please.

MO A. This is a copy of a resolution which was adopted during one of the business sessions of our convention in April of 1992.

MR. REINER: Object to the question. Move to strike the answer as foundation that's not been laid.

Q. Did there come a time when you held a

Stevens

convention in San Antonio, Texas, your organization?

A. Yes, I believe April to 3 to 7, 1992.

Q. And, at that convention, were any resolutions adopted?

A. Yes.

Q. Referring you to Stevens Exhibit 2, can you please tell me whether or not this resolution was adopted at that convention?

MR. REINER: Objection to foundation.

MR. AARON: You may answer the question.

A. Yes.

Q. Did there come a time when a vote was taken on the resolution that appears as Stevens Exhibit 2?

A. Yes.

Q. And what was the result of that vote?

A. The vote was unanimous in support of this resolution.

Q. And I take it you were present at the meeting.

MO A. That's correct.

MR. REINER: Objection. Move to

Stevens

strike. Foundation not properly laid.

Q. Is Exhibit 2 a true and correct copy of the resolution as adopted by your organization at the Conference of American Rabbis convention in April of 1992?

MR. REINER: Objection. Same reasons stated earlier.

A. Yes, it is.

MR. AARON: I'd like to have marked as Stevens Exhibit 3 a two-page document bearing production page numbers 277 and 278, the cover of which is a letter dated April 1992 from Rabbi Elliot Stevens. I note for the record this document is part of Petitioner's Exhibit 5 on petitioner's exhibit list.

(Stevens Exhibit 3, Letter dated April, 1992, from Stevens to Dear Friend, marked for identification, as of this date.)

Q. Rabbi Stevens, you've been handed what's been marked as Stevens Exhibit 3. Do you recognize that document?

A. Yes, I do.

Q. And could you identify it for me,

Stevens

please?

A. This is a letter which accompanied the transmission of resolutions after their adoption at the convention to parties we thought might be interested in the resolutions that we had, in fact, adopted.

Q. Is that your signature that appears on the front page of this document?

A. Yes, it is.

Q. Did you write this letter?

A. Yes, I did.

Q. And to whom did you cause this letter to be circulated?

MR. REINER: Asked and answered.

Objection.

Q. You can answer.

A. I circulated the letter to all parties that we thought would be interested in the outcome of that action at the convention. In this case, we sent the letter to teams named in the resolution.

Q. And one of the teams named in the resolution is the Washington Redskins, correct?

MO A. That is correct.

Stevens

MR. REINER: Objection.

Q. Am I correct that --

MR. REINER: Move to strike.

Q. Is a Stevens Exhibit 2 contained as part of Stevens Exhibit 3, specifically the second page?

A. That is correct.

MR. AARON: I am not going to offer into evidence Stevens Exhibit 1 for the reasons stated in Mr. Reiner's objection. I am offering into evidence Stevens Exhibits 2 and 3 over Mr. Reiner's objection.

MR. REINER: Objection. We'll move to strike the testimony. We will reserve all rights and I will cross-examine, of course.

MR. AARON: I pass the witness.

MR. REINER: Oh, thank you.

EXAMINATION BY

MR. REINER:

Q. Rabbi, looking at Exhibit No. 3 which you just testified about, you said a copy of this went to the Washington Redskins. Do you have any proof, documentary proof, it was sent?

A. No.

Stevens

Q. Do you have a recollection of personally mailing this?

A. I personally signed the letter. I did not personally put this in the mail.

Q. You signed a letter addressed to the Washington Redskins?

A. Yes.

Q. Do you have a copy of that letter?

A. No.

Q. Do you usually keep copies of letters that you send out from your office here?

A. I don't know that I can characterize it as usually. I would say yes, we do.

Q. Is there any policy of not keeping copies of letters that have been sent out concerning resolutions passed by the Central Conference of American Rabbis?

A. No.

Q. Is there a policy concerning the sending out of letters to persons that are named in resolutions of the Central Conference of American Rabbis?

A. Yes.

Q. What is that policy?

Stevens

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2 A. The policy is the -- is a traditional
3 policy which goes back for decades that we
4 rigorously go through resolutions following each
5 convention identifying, wherever we can,
6 interested parties including governmental and
7 non-governmental or corporate officials or anyone
8 else we think might have an interest. And
9 consultation with the Religious Action Center of
10 Reform Judaism in Washington which advises us as
11 to who those interested parties might be.

12 Q. And did you receive any letter from
13 that organization advising who the Washington
14 Redskins were?

15 A. Not to my recollection.

16 Q. And do you have a copy of any
17 documentation at all concerning the forwarding of
18 this resolution to the Washington Redskins?

19 A. No.

20 Q. Now, this resolution is dated April
21 1992. Do you have any information as to the
22 actual date upon which it was adopted?

23 A. There were two business sessions at
24 that convention. The convention ran from April 3
25 through April 7. The actions of those business

Stevens

sessions are recorded in the yearbook of that year, a published volume which lists the actions of two separate plenary sessions as sessions in which resolutions were adopted. The specific list of resolutions adopted on either of those two days is not included in the yearbook.

Q. So is it your testimony -- excuse me, continue, I'm sorry.

A. The yearbook itself incorporates the text in full of all of the resolutions adopted at that convention. And that text is fully in accord with this copy. But the specific day is not recorded.

Q. Was a roll call vote taken?

A. No, there was no need. It was a unanimous vote.

Q. How many persons were present in the room when the vote was taken?

A. The chairman ascertained that a quorum was present.

Q. And how did the chairman do that?

A. The chairman determined that it was self-evident that a quorum was present.

Q. Are spouses of members permitted in

Stevens

the room during these meetings?

A. Yes, but not to vote.

Q. And is there any way that the chairman could tell who the spouses of the persons were in the room?

A. No. But if the -- if there's any doubt whatsoever in the mind of whoever is chairing the session, our president, then a quorum call might be called.

Q. Did anybody call a quorum call for this resolution?

A. No.

Q. Did anybody call a quorum call for any resolution?

A. No.

Q. Was there any record kept of the persons in attendance at that particular -- at any particular session?

A. Not at a session. At the convention, yes. At any particular session, no.

Q. Do you have any information as to the persons who were present in the room at either one of these two business sessions that you testified about?

Stevens

A. Not specifically.

Q. How many persons attended the first business session?

A. As I said, we did not count the numbers in attendance.

Q. Were you there?

A. Yes.

Q. Was it the entire body of the persons who were attending this convention?

A. No. But the chairman determined that a quorum was present.

Q. At what time of day did this take place, the passing of this resolution?

A. I cannot tell you because I cannot tell you on which of the two days of the business session the resolution was adopted.

Q. Were you present during any discussions of the resolution?

A. Yes, I was present throughout the entire length of both business sessions.

Q. All right. Was this resolution introduced by any one individual person?

A. It was introduced by the chairman of our committee on resolutions on behalf of our

Stevens

committee on resolutions.

Q. And prior to the introduction of this resolution, had a draft been circulated in written form --

A. Yes.

Q. -- To the persons in the room?

A. Yes. We precirculated by mail well in advance of each convention the resolutions coming up at that convention.

Q. And did you do so, to your knowledge, with respect to this resolution?

A. Yes.

Q. Do you have any proof, documentary proof, this was mailed out?

A. No, not at this time.

Q. Who drafted the specific language in this resolution?

A. I cannot tell you that.

Q. Was there anything submitted to -- what did you call this, an executive office?

A. This office?

Q. Yes.

A. Yes.

Q. Was there any documents submitted to

Stevens

your office prior to the convention relating to this resolution?

A. Not other than the resolution itself.

Q. And you received a copy of the resolution, is that correct, proposed resolution?

MO A. Yes. I'm trying to recollect where that copy came from. I can say, generically, that there are times when the resolutions committee in full-day meetings here prior to a convention will themselves draft the resolution prior to mailing it to the membership.

On other occasions, and what is probably likely in this case is that the Religious Action Center in Washington which processes most of our social action or civil liberty or civil justice resolutions probably gave us a draft which our resolutions committee then processed before mailing.

Q. But you have no direct knowledge of that, do you?

A. Not at this time.

MR. REINER: Move to strike that testimony.

1 Stevens

2 Q. With respect to this particular
3 resolution, did any person purportedly
4 representing a Native American Indian group
5 contact your organization?

6 A. Not to my knowledge.

7 Q. Was any survey made of any Native
8 American Indian groups concerning the substance
9 of this resolution?

10 A. Not to my knowledge.

11 Q. Did you receive or see any documents
12 which would indicate to you that this was --
13 there was any support for this particular
14 resolution from any Native American Indian group?

15 A. Not to my personal knowledge.

16 Q. Is there anything in your files
17 concerning this resolution that came from or
18 emanated from any Native American Indian group?

19 A. I don't know.

20 Q. Did you receive any communication from
21 any Native American person concerning this
22 resolution prior to its adoption?

23 A. I don't know.

24 Q. Is there anything in your files from
25 anyone that would indicate that a Native American

Stevens

person communicated with your organization concerning this resolution?

A. I can't answer that.

Q. Your letter that was attached as Exhibit 3 refers to 1,600 rabbis throughout North America as being members of your association; is that correct?

A. At the time of that letter, that was very close to being correct.

Q. And these were all members who you classify as reform rabbis?

A. Yes.

Q. How many rabbis attended the convention in April of 1992?

A. Approximately 550.

Q. And of those rabbis in attendance, was any survey taken of them concerning any resolution adopted at that convention?

A. They were surveyed by virtue of asking them to vote which they did unanimously.

Q. Apart from voting, was there any survey?

A. No.

Q. Prior to the adoption of this

1 Stevens

2 resolution, was there any discussion about the
3 draft resolution?

4 A. Within the committee, yes. During
5 the -- well, within the committee, yes.

6 Q. And on the floor of the convention,
7 was any discussion held?

8 A. I don't have recollection of that.

9 Q. Within the committee, did you attend
10 any discussions?

11 A. Yes.

12 Q. What committee are you referring to?

13 A. Committee on resolution, a
14 subcommittee of the Central Conference of
15 American Rabbis.

16 Q. How many members are there?

17 A. Seven, plus several ex-officio members
18 representing other related bodies.

19 Q. When you say --

20 A. There may have been as many as 10.

21 Q. When you say "other related bodies" --

22 A. For example, Religious Action Center
23 of Reform Judaism in Washington and the Committee
24 on Justice and Peace of the Central Conference of
25 American Rabbis.

Stevens

Q. And at that meeting of that committee, was there any discussion of persons being contacted by Native American Indians concerning the substance of the resolution?

A. I don't recall.

Q. Was there any discussion of any organization of Native Americans which had been contacted by anybody at the time of the discussion?

A. I don't recall such a discussion.

Q. Was there any literature circulated in that room concerning this resolution during this meeting of the committee?

A. Not as I recall.

Q. Was any member of that committee a Native American people?

A. No.

Q. Are any members of your organization Native American persons?

A. No.

Q. In paragraph 4 of this resolution, there is -- if you'll take a look at it, please, reference is made in the first line to, "Whereas, two professional sports teams by the

Stevens

stereotypical nature of their names".

This has been marked so the whole text will be there, but I just wanted to address your attention to the word stereotypical. Was there any discussion as to what that word meant in the committee during the meeting?

A. I don't recall.

Q. Was there any discussion on the floor of the convention concerning the use of the word stereotypical nature of their names in reference to the Washington Redskins and the Atlanta Braves?

MO A. I don't think so. I think the convention regarded this as so self-evident that there was no need to discuss it. It was, as I say, adopted unanimously.

MR. REINER: I move to strike the testimony.

Q. Now, the question -- would you just answer the question yes or no, please.

A. Would you repeat the question, please?

MR. AARON: Yes.

MR. REINER: Yes, the reporter will do

Stevens

so.

(Record read.)

A. Not to my recollection.

Q. Prior to the convention in April of 1992, is it correct that you saw a copy of this draft resolution?

A. Yes.

Q. Did you look up the word redskins in any dictionary at the time that you first saw this?

A. No.

Q. Do you have any information or knowledge concerning any classification given to the word redskins in dictionaries?

A. No.

Q. Do you have any information as to any surveys taken of Native American people concerning their attitude towards the word redskins?

A. No.

Q. Do you know if any chiefs of any Native American Indian tribes have sent letters to anyone approving of the use of the word redskins in the name of the Washington Redskins

Stevens

football team?

A. I'm not aware.

Q. Did you make any efforts to find out?

MR. AARON: Objection as to indefinite
as to date.

Q. Excuse me. Approximately when did you
receive this draft resolution prior to the
convention in April of 1992?

A. Probably about two months prior to the
convention.

Q. During that two-month period, did you
make any effort to ascertain whether any Native
American Indian tribal groups approved of the use
of the word redskins by the NFL team in
Washington, D.C.?

A. I wish I could say something off the
record here.

Q. No, you cannot.

A. May I ask to clarify the question?

MR. REINER: Read the question back,
please.

A. May I ask for clarification as to the
intent of the question?

Q. No. Just answer the question.

Stevens

A. The answer is no.

Q. Did the committee that you were referring to that had approximately 7 to 10 persons discuss, in any manner, efforts to contact Native American Indian tribal groups concerning their views on the use of the word Redskins by the Washington Redskins football team?

A. I don't recall.

Q. Were any minutes kept of that meeting of the committee?

A. Yes, I understand. No.

Q. Do you know who was in attendance at that meeting?

A. I have no record as to who the members of the committee were at that time.

Q. Do you know who attended that particular meeting?

A. Not specifically.

Q. Did you ever receive a letter from the Washington Redskins football team acknowledging receipt of your letter dated April 1992 and the attachment which has been marked Exhibit 3?

A. I don't recall.

Stevens

Q. Do you have anything in your files that would reflect that they have received this letter?

A. I don't recall.

Q. Prior to April 1992, were there any discussions held at any of the conventions of your organization concerning the use of the word redskins in the name of the Washington Redskins football team?

A. Not to my recollection.

Q. How long have you been the executive director? Is that your title?

A. Executive secretary.

Q. How long have you been executive secretary?

A. I've held that title for about seven years. I was administrative secretary for the prior 14 years.

Q. So in the past 21 years, do you have any knowledge or information of any discussions being held at any convention of your organization concerning the use of the word redskins in the name of the NFL team in Washington, D.C.?

MR. AARON: Is your question other

Stevens

than at the conference?

A. Yes, prior to this conference.

Q. Prior to the conference?

A. To that specific question, no.

Q. Prior to this specific conference, were there any meetings of any committees that you attended -- during this 21-year period -- where there was a discussion concerning the use of the name Washington Redskins by the NFL team playing in Washington, D.C.?

A. No.

Q. In your two positions with this organization, did you attend all of the conventions?

A. Yes.

Q. Did you attend all of the meetings of this committee that you referred to?

A. Yes.

Q. What constitutes a quorum of a convention?

A. The quorum at that convention constituted 10 percent of our members in good standing. That is, if our members were 1600, a quorum would have been 160.

Stevens

Q. Have you ever been contacted by any of the petitioners in the case in which you are now testifying?

A. Have I ever been contacted?

Q. Yes.

A. No.

Q. When was the first time you were contacted concerning the proceedings in which you are now testifying?

A. A member of the plaintiff's law firm contacted me a few weeks ago.

Q. Was that an oral communication?

A. Both oral and written.

Q. Do you have copy of the letter that was sent to you?

A. I have a copy of whatever was sent to me.

Q. Would you produce it, please.

(Brief interruption.)

A. I received these three faxed sheets plus a copy of the resolution by fax confirming the appointment date and so forth.

Q. Do you have any information as to the manner in which this particular document had been

Stevens

obtained, document No. 2, a copy of the document No. 2 which was sent to you?

A. I would surmise that it was provided by the team.

Q. Which team are you referring to.

MO A. The Washington Redskins, but I can't be certain of that.

MR. REINER: Move to strike the testimony as conjecture.

Q. Did you use these three pages that were sent to you in preparation for this deposition?

A. Yes.

MR. REINER: Okay. We'll have these marked for identification as Nos. 4, 5 and 6

(Stevens Exhibit 4, Letter dated 1/28/'97, from Sullivan to Stevens, marked for identification, as of this date.)

(Stevens Exhibit 5, Fax dated 1/28/'97, from Sullivan to Stevens, marked for identification, as of this date.)

(Stevens Exhibit 6, Fax dated 1/13/'97, from Sullivan to Stevens, marked for identification, as of this date.)

Stevens

Q. Just so I'm clear, was the receipt of this letter dated January 28, 1997 marked Exhibit No. 4, Exhibit No. 5 and No. 6 the first time you received a communication from anyone on behalf of the petitioners in this proceeding?

A. I believe that these were preceded by a telephone call.

Q. And who made that telephone call?

A. Mr. Gerald Sullivan.

Q. And would you tell me what was said by you and what was said by him during this telephone call?

A. He very briefly described the nature of what turns out to be this meeting and asked if I would participate in giving this testimony. And I said that I would. He told me that there was a resolution that I would be asked to attest was an accurate representation of the action that was held at the convention, and I said I would be able to do that.

Q. Any further discussion?

A. (Witness shook head.)

Q. Did you have any other discussion?

MR. AARON: You have to answer

Stevens

verbally so she can take it down.

A. No.

Q. And prior to that one discussion, did you have any other discussions with anyone else representing the petitioners in this proceeding?

A. No.

Q. Did you have any discussions with Mr. Sullivan during this one time when you spoke with him concerning the circumstances surrounding the introduction of this resolution?

A. No, not at all.

Q. How many resolutions, approximately, were introduced at these two business meetings during the convention in 1992?

A. I would say 15.

Q. And were any of them voted upon by roll call vote?

A. No.

Q. Were any of those resolutions adopted unanimously?

A. Yes.

Q. And one or more resolution were not adopted unanimously?

A. Correct.

Stevens

Q. How many were not adopted unanimously?

A. I cannot say.

Q. Approximately?

A. I would say several, three to five.

Q. Out of how many?

A. Maybe 15.

Q. Was there any discussion at all concerning the use of the word redskins as being racist during this committee meeting that you testified about earlier?

A. Only insofar as it applied to the text of the resolution itself.

Q. Prior to the adoption of the resolution, did you have any information concerning the circumstances surrounding the selection of the name redskins by the NFL team playing in Washington, D.C.?

A. No.

Q. Subsequent to the adoption of the resolution, have you had any discussions with anyone concerning the circumstances surrounding the selection of the name redskins by the Washington team?

A. No.

Stevens

Q. Are you aware of any use of the word
redskins on Indian reservations to designate a
street name?

A. I'm not aware.

Q. Are you aware of any use of the word
redskins that would not be considered racist by
you?

MR. AARON: I'll object to the form of
the question.

A. Would that be considered racist by me?

Q. Yes, personally.

A. I can't even ask to clarify the
question?

MR. AARON: If you don't understand
the question, I believe you can ask to have
it clarified.

A. I asked that very specifically before
and the answer was -- earlier I asked whether I
could clarify a question as to the intent of the
question and the answer was no. So I cannot
answer the present question.

Q. Okay. Have you ever heard of the word
redskins being applied to a potato?

A. Yes, I believe I have.

Stevens

Q. Do you find that a racist designation?

A. No.

Q. Do you find that disparaging of Native American Indians?

A. Yes.

Q. With respect to a peach, have you ever heard the word redskins applied to a peach?

A. I don't think so.

Q. Would you consider that a disparaging reference to Native American Indians?

A. Would I consider what a disparaging Reference?

Q. If a peach was called a redskin.

A. No.

Q. You draw a distinction between a peach and a potato in your testimony; is that correct?

A. Your questions are so ambiguous that I cannot answer them in the form in which they're being asked.

Q. Okay. Within the context of the resolution, could you please take a look at Exhibit No. 2 and tell me what is meant by the reference to "stereotypical nature of their names, The Washington Redskins and The Atlanta

Stevens

Braves"?

A. In the case of the Redskins, stereotypical generalizes on physiological characteristics of a group in the population. In the case of the Braves, I would say that stereotypical generically characterizes the behavior of a group within our population.

Q. And you consider that racist?

A. Yes.

Q. Okay. With respect to the word redskins, are you aware that some Indian tribes require only one-sixteenth tribal blood to be a member of the tribe?

A. Yes.

Q. You're aware of that?

A. Yes.

Q. So someone could be blond and blue eyed, fifteen-sixteenth Swedish extraction and one-sixteenth tribal extraction and you would still consider that person being disparaged by the use of the word redskins?

A. Yes.

Q. Have you done any research to ascertain what the requirements are to be members

Stevens

of tribal groups?

A. No.

Q. You were aware of the one-sixteenth requirement for some tribal groups; is that correct?

A. Yes.

Q. What was the source of that information?

A. A Close family friend who was one-eighth Comanche --

Q. And --

A. -- Who has discussed this.

Q. And with respect to the Central Conference of American Rabbis, could you tell me was any discussion ever held concerning the formulation of the words stereotypical in reference to the appearance of persons?

A. Not to my knowledge.

Q. Do you consider the reference to the words redskins to be derogatory if used by one Native American to another?

A. Possibly.

Q. Are you aware that there was a depiction of a Native American Indian person on a

Stevens

nickel coin of the United States government --
issued by the United States government?

A. Yes.

Q. Do you consider that stereotypical?

A. Yes.

Q. Do you consider that disparaging?

A. No..

Q. Why not?

A. I'd have to think about that one. I think it has to do with intent, with cultural milieu during a particular period in American history. It also, I think, has to do, in my own view, with popular perception and the impact of those perceptions on behavior of the body politic. I haven't given this a whole lot of thought. I can expand on that if you wish, but otherwise I think that would be my answer.

MR. REINER: May we have this marked for identification.

(Stevens Exhibit 7, Photocopy of coin, marked for identification, as of this date.)

Q. Could you take a look at that. Is that a depiction of that nickel coin that you've been testifying about?

Stevens

A. Yes.

Q. Would you look at the date of the coin, when it was minted.

A. '37, 1937.

Q. I'd like you to look now at a document that has previously been marked as Exhibit 6 to Deloria.

MR. REINER: Do you want to have it marked again?

MR. AARON: It's up to you.

MR. REINER: Just for clarity sake since we're using it again, if you would please.

(Stevens Exhibit 8, U.S. Patent Office Reg. No. 986,668, marked for identification, as of this date.)

Q. If you would take a look at this, please, I'd like to draw your attention to the emblem and the circle on that exhibit. And can you compare that to Exhibit No. 7. Do those depictions appear to be substantially similar to you?

A. They're similar.

Q. Yes. And have you ever seen the

Stevens

helmet design of the Washington Redskins football team?

A. No.

Q. You've never seen a Washington Redskins football game, then?

A. That's correct: . . .

Q. Never seen it on television?

A. That's correct.

Q. Okay. I'd like to show you a document that was previously marked as Exhibit 13 Deloria and have that marked for identification purposes, please.

(Stevens Exhibit 9, Copy of two photographs, marked for identification, as of this date.)

Q. I'd like to draw your attention to the use of the word Redskins as appears in this exhibit and ask you whether or not you consider that usage of redskins disparaging.

A. Yes, I do.

Q. And would you consider it disparaging even if used by Native American Indian tribes to identify a team that plays in the high school on the reservation?

Stevens

A. I'm not sure.

MR. REINER: I'd like to have marked for identification a document that was previously marked Exhibit 15 Deloria and ask that it be marked in this deposition, please.

(Stevens Exhibit 10, Letter dated 1/17/'92, from Salgado to Cooke, marked for identification, as of this date.)

Q. Would you please just look at that document?

A. (Reading.)

Q. Have you completed reading this letter?

A. Yes.

Q. Yes. And do you recognize this as being a letter from a Native American Indian tribal group?

A. From the chairman of a group, yes.

Q. What's the group, please?

A. Soboba Band of Indians.

Q. Having read this letter, do you still consider that Native American Indians unanimously consider the use of the word redskins in the

Stevens

Washington Redskins name as being disparaging?

MR. AARON: Object to the form of the question. Mischaracterizes prior testimony.

MR. REINER: You may answer.

MR. AARON: Yes, you may answer.

A. The letter implies a different point of view on the part of the writer of that letter.

Q. What is that point of view?

A. The point of view primarily is to suggest that Native Americans make their own decisions as to what they characterize as being stereotypical or racist.

MR. REINER: Okay. I'd like to have this marked as an exhibit, as 11, please, previously marked as 34 Deloria.

(Stevens Exhibit 11, Document entitled, "You Asked About... Indian Ancestry", marked for identification, as of this date.)

Q. I'd like to draw your attention to the upper right-hand corner and ask you whether or not the depiction there, in your view, is disparaging to Native American Indians?

MR. AARON: May I have a copy of that

Stevens

exhibit, please?

MR. REINER: I'm sorry. I thought I passed it to you.

MR. AARON: Thank you.

A. I cannot characterize it as such.

Q. I'd like to show you another exhibit that has previously been marked Exhibit 95 Means and ask that it be marked here.

(Stevens Exhibit 12, Copy of photograph, marked for identification, as of this date.)

Q. Would you please look at the depiction on that page.

A. I see it.

Q. As to the use of the words Braves, does the word Braves appear on the depiction?

A. Yes, it does.

Q. In what context does it appear?

A. In what looks like scrub desert, there's a billboard erected on several poles reading, "Round Rock Public School Fighting Braves".

Q. Do you consider the use of the word Braves in that context as stereotypical?

Stevens

A. Possibly.

Q. If used on an Indian reservation, would you consider that stereotypical?

A. If used?

Q. You can look at the second page. It may help you. There's a legend on the back of the page.

A. The question requests stereotypical?

Q. Yes.

A. I would say yes.

Q. Do you consider it disparaging?

A. In the particular context, possibly not.

Q. Why do you say that?

A. Because I think the context, not all of which is indicated in this photocopy, is crucially important in making a determination.

Q. And what do you mean by crucially important?

A. The intent of those who put up such a sign, the use of such a sign, the receipt of the message on that sign by those who see it, and a distinction can be made between stereotypical and pejorative.

Stevens

Q. With respect to intent, you said that was a factor of your consideration. Are you aware that a Native American Indian coach participated in the selection of the name Washington Redskins by the team when it moved to Washington?

A. No, I was not.

Q. Does that, in any manner, affect your views on the intent for the selection of the word Redskins by the team?

A. It's an additional element in considering the question.

Q. And are you aware of any public statements made by the owners, present owners, of the Washington Redskins football team concerning their intent and the use of the word redskins for the name of the team?

A. No.

Q. Assuming for hypothetical purposes for your testimony that you were informed that they intended to honor Native American Indians, would that affect your opinion?

MR. AARON: Note my objection to the question. Assumes facts that are not on the

Stevens

record. You can answer.

A. Possibly.

Q. I'd like to show you another document that was marked as Romero Exhibit 105.

MR. REINER: And let's have it marked in this proceeding.

(Stevens Exhibit 13, Xerox copy of packaging, marked for identification, as of this date.)

Q. Would you please take a look at this particular document. I can represent to you that that is a Xerox copy of a packaging.

A. Yes.

Q. Do you see that? And would you identify it for the record, what the package says.

A. It's a package of Argo pure corn starch.

Q. Do you see any depiction on there relating to Native American Indians?

A. It appears as if a Native American woman is depicted as garbed in an ear of corn.

Q. Do you find that that is stereotypical within the context of the resolution which has

Stevens

been marked as Exhibit 2 in this deposition?

A. Yes.

Q. Do you find it disparaging?

A. No.

Q. Why is that, sir?

A. I do not feel disparaged by it..
Others might. It seems to be neutral in the
context in which it's presented to me.

MR. REINER: I'd like to have another
document marked for identification that was
previously marked Apodaca 101. Can we have
it marked in these proceedings.

(Stevens Exhibit 14, Xerox copy of
packaging, marked for identification, as of
this date.)

Q. I'd like to have you look at this
particular exhibit, and could you identify this?
I can represent to you that this is a Xeroxed
copy of a packaging for a product. Would you
identify it on the record, though, please.

A. Looks like a package of Land O Lakes
unsalted sweet butter.

Q. And is there a depiction of a person
there on it?

Stevens

A. Yes.

Q. And does that person indicate to you anything?

A. It looks like a Native American male kneeling.

Q. And, in viewing that, do you believe that's a stereotypical depiction in the context of the references in the resolution?

A. Yes.

Q. And do you consider that disparaging?

A. Possibly.

Q. Does your organization view that as something that should be changed by the user?

A. Possibly.

Q. Can you tell me what is stereotypical and disparaging about the use of that depiction of a person on that package?

A. It's stereotypical because it portrays an Indian which I think would commonly -- would -- well, it is part of our common-folk perception of what a Native American might look like. It's stereotypical because it takes certain features in the illustration which are commonly held to be true of Native Americans even

Stevens

though, as you pointed out, they might or might not be true in any particular Native American individual.

Disparaging, possibly, because any group portrayal which picks up on stereotypical characteristics and generalizes those characteristics is untrue to the totality of that group. Just as portraying Jews with hooked noses and fleshy lips is a stereotype and pejorative and has been used in packaging. And it's very definitely pejorative.

Q. With respect to depictions of Native Americans, do you consider the appearance of Native American Indian tribal members in tribal costumes to be stereotypical?

A. Again, it depends on the context.

Q. If they appeared prior to an NFL football game, would you consider that stereotypical and disparaging?

MR. AARON: Objection to the form of the question. I think it's ambiguous.

A. Possibly.

Q. Possibly. By any chance, did you look at the Super Bowl that was held in Phoenix,

Stevens

Arizona last year? Not the current one, the previous one.

A. No.

Q. Were you aware there were Native American Indian groups that appeared prior to the game itself in native costumes?

A. No, I was not.

Q. Would you consider such an appearance stereotypical?

A. Yes.

Q. Would you consider it disparaging?

A. In some ways, yes.

Q. Would you consider it disparaging if the tribal groups that participated did it with the knowledge and consent of the tribal leadership?

A. Possibly.

Q. You made reference to Exhibit 3, I believe --

MR. REINER: Off the record.

(Discussion off the record.)

Q. I'd like to show you Exhibit 3 again and ask you if you've received any written response to your letter concerning the resolution

Stevens

using the word or referring to the word
Washington Redskins?

A. Not to my recollection.

Q. Do you consider the use of the word
Washington Redskins as the name of a football
team as being scandalous?

A. It's not a term I would have come up
with on my own, but I can see it.

Q. In what context?

A. Perpetuating a stereotype and a
mythology which is -- I think anything which
perpetuates a stereotype and ignores the
individual cultural characteristics of individual
groups is a negative -- is a negative influence
altogether on our thinking about those groups and
likely to lead to a diminution of respect for
those groups and their cultural heritages.

A stereotype which by itself might not
be pejorative, I can see -- I think can lead to
very negative results that prejudice those who
hold them against those groups and, therefore, I
can see the use of the word scandalous.

Q. Would that also concern the use of the
depiction of an Indian head on a nickel coin as

Stevens

appeared on Exhibit No. 7?

MR. AARON: I object. I think the question is ambiguous. Before you were talking about the redskin term and now you're talking about a photo. I think it's ambiguous.

Q. With respect to the depiction appearing on Exhibit No. 7, do you believe that that is stereotypical and scandalous?

A. I believe that it is stereotypical. I don't know that I will use the word scandalous. I don't know that I can draw those fine distinctions in something like this. In its totality, depictions which rely on stereotype, I think, can be scandalous.

Q. But not necessarily so; is that correct?

A. Can I give you an example of distinction?

Q. No. Just answer the question. Your lawyer will ask you questions.

MR. AARON: Objection. I'm not his lawyer. There's no attorney/client relationship that exists between the rabbi

1 Stevens

2 and me.

3 MR. REINER: Of course. The attorney
4 for the petitioners can ask you those
5 questions.

6 Q. Can you answer the question?

7 THE WITNESS: Would you repeat the
8 question, please?

9 MR. REINER: Would you read it back?

10 (Record read.)

11 A. I would say no.

12 Q. I want to show you Stevens Exhibit 13
13 again, please. Could you tell me, please,
14 whether you consider that depiction on that
15 particular exhibit scandalous?

16 A. No.

17 Q. I asked you before about who drafted
18 the text of the resolution which was marked as
19 Exhibit No. 2 and you referred to a committee
20 chairman; is that correct? I'm not trying to put
21 words in your mouth, I'm just trying to put a
22 focus.

23 A. Well, the chairman of the committee
24 put it before the committee. I don't know that I
25 was able to tell you who wrote the text. What I

Stevens

may have indicated is that resolutions of this type probably were processed through our Religious Action Center in Washington which would then have conveyed them to the chairman of our committee for putting it before the committee.

Q. Did you see or receive any drafts prepared by the organization in Washington, with this organization in Washington?

A. I don't recall.

Q. Did you see any literature which they had prepared concerning this resolution?

A. I don't recall.

Q. Was there any literature before the committee concerning this resolution that had been prepared by the organization in Washington?

A. Very possibly, but I don't recall.

Q. And you mentioned there were no minutes kept of that meeting, but were there any files kept of that meeting?

A. No. Only the text as adopted.

Q. At any time, have you seen a petition that was filed in this proceeding?

A. No.

Q. Apart from the documents which you

Stevens

brought in and were marked as Exhibits 6, 7 and 8, did you use any other documents to prepare for this deposition?

A. No.

Q. Did you read anything, a transcript of anything, prior to coming to this deposition?

A. No.

Q. Did you have any discussions with anyone prior to coming to this deposition?

A. Only very -- in a very limited way with regards to the logistics of this meeting, namely, when and where it's going to be. But that was about it.

Q. Did you have any discussions with anyone within your organization concerning this deposition?

A. Our executive vice president is aware that it is taking place.

Q. Any discussions about the substance of what the testimony would be?

A. No.

Q. Any discussions with anybody in the organization in Washington concerning this

Stevens

deposition?

A. No.

Q. Did you receive or see any documents from that organization that relates to this particular deposition?

A. No.

Q. Do you know when the word redskins was first adopted by the team?

A. No.

MR. REINER: I have no further questions. Thank you very much for your time.

MR. AARON: I have a couple of follow-up questions.

EXAMINATION BY

MR. AARON:

Q. I'd like to show you what's been marked as Stevens Exhibit 3 and refer you specifically to the upper right-hand corner. Do you see there's a stamp in the upper right-hand corner?

A. Yes.

Q. What does that stamp say?

A. "RS: Name- CON- 92".

Stevens

Q. And underneath that?

A. "JKC, Inc."

Q. Do you know what those initials stand for?

A. No.

Q. Do you know Jack Kent Cooke?

A. No.

Q. To your knowledge, was that stamp on this letter when the letter was sent?

A. To my knowledge, it was not.

MR. AARON: I have nothing further.

MR. REINER: I have no further questions. Thank you very much for your time.

(Time noted: 4:10 p.m.)

RABBI ELLIOT L. STEVENS

Subscribed and sworn to before me
this ____ day of _____, 1997.

C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

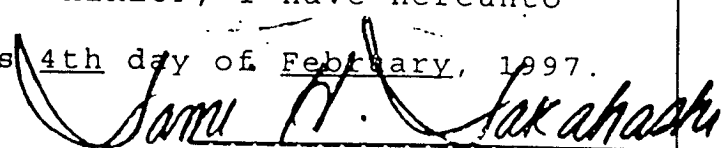
COUNTY OF NEW YORK)

I, TAMI H. TAKAHASHI, a Registered Professional Reporter and Notary Public within and for the State of New York, do hereby certify:

That RABBI ELLIOT L. STEVENS, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of February, 1997.


TAMI H. TAKAHASHI

----- I N D E X -----

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----- INFORMATION REQUESTS -----

MOTIONS: 11, 12, 14, 22

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WS: Swanston
1/31/97

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----x
SUZAN SHOWN HARJO, et al., :
 :
 : Petitioners, :
 :
 : vs. : Cancellation No..
 : 21,069 :
 :
 : PRO-FOOTBALL, INC., :
 :
 : Respondent. :
 :
 :
-----x

Washington, D.C.
Friday, January 31, 1997

The deposition of WALTERENE SWANSTON,
called for examination by counsel for Petitioners
in the above-entitled matter, pursuant to Notice,
in the offices of Dorsey & Whitney, 1330
Connecticut Avenue, N.W., Suite 200, Washington,
D.C., convened at 10:00 a.m., before Paula J.
Eastes, a notary public in and for the District of
Columbia, when were present on behalf of the
parties:

APPEARANCES:

On behalf of the Petitioners:

ALDO NOTO, ESQ.
Dorsey & Whitney
1330 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036
(202) 857-0700

On behalf of the Respondent:

JOHN PAUL REINER, ESQ.
White & Case
1155 Avenue of the Americas
New York, New York 10036-2787
(212) 819-8200

C O N T E N T S

WITNESS

EXAMINATION BY COUNSEL FOR
PETITIONERS RESPONDENT

WALTERENE SWANSTON

By Mr. Noto 3 & 63

By Mr. Reiner 39 & 64

E X H I B I T S

SWANSTON EXHIBITS

FOR IDENTIFICATION

Exhibit No. 1. 22

1 P R O C E E D I N G S

2 MR. NOTO: My name is Aldo Noto. I am
3 with the law firm here of Dorsey & Whitney. This
4 is in regards to a cancellation proceeding that is
5 going on for the Patent and Trademark Office.

6 This is the Court Reporter.

7 Have you ever been in a deposition
8 before?

9 THE WITNESS: Yes.

10 MR. NOTO: So, you generally understand
11 the procedure?

12 THE WITNESS: Yes..

13 Whereupon,

14 WALTERENE SWANSTON

15 was called for examination by counsel for
16 Petitioners and, having been first duly sworn by
17 the notary public, was examined and testified as
18 follows:

19 EXAMINATION BY COUNSEL FOR PETITIONERS

20 BY MR. NOTO:

21 Q. Do you understand the oath that you just
22 took?

1 A. Yes.

2 Q. You understand that although we are not
3 in a court, this is like an oath in a court?

4 A. Yes.

5 Q. State your name for the record.

6 A. Walterene Swanston.

7 Q. And your address?

8 A. 7404 Eldorado Street, McLean, Virginia.

9 Do you want the zip and all that?

10 Q. Yes.

11 A. 22102.

12 Q. Where were you born?

13 A. Louisiana.

14 Q. Can you tell us about your education?

15 MR. REINER: Excuse me, counsel.

16 Before we get into anything in the
17 deposition, why don't I put my objection on the
18 record and that way I won't be interrupting your
19 questioning of the witness?

20 Please note that I appear on behalf of
21 the Respondent, Pro-Football, Inc., the owner of
22 the Washington Redskins football team, and I am

1 here pursuant to a notice from the firm of Dorsey &
2 Whitney that they are taking a deposition of the
3 witness, which is identified as Walterene Swanston.

4 This witness has never been identified to
5 me before and I object to the taking of this
6 deposition because of that fact and because I did
7 not have the opportunity to take any discovery
8 because I didn't know who the witness would be.

9 I also object to any documents which may
10 be introduced unless they have been produced in the
11 course of the discovery proceeding prior to
12 December 20th, 1996 pursuant to the order of the
13 Board.

14 I will cross examine reserving all rights
15 that I have asserted here and also without waiving
16 any objections I will cross examine, but I note for
17 the record my particular objection.

18 In particular I would like to make an
19 objection to the introduction of a resolution of
20 Unity '94, which was not provided to me prior to
21 December 20, 1996, so that I was unable to take any
22 discovery during the discovery phase of these

1 proceedings.

2 I would make a motion to conclude the
3 testimony and the introduction of any exhibits not
4 produced before December 20th, 1996. I am
5 reserving all rights.

6 BY MR. NOTO:

7 Q. Can you tell us about your education?

8 A. Yes.

9 I am a graduate of San Francisco State
10 University in San Francisco. No degree beyond
11 that.

12 Q. Are you employed?

13 A. Yes. I am a consultant to Knight Ridder,
14 Inc. It's a newspaper company.

15 Q. What do you consider to be your
16 occupation?

17 A. I am a journalist by profession.

18 Q. Can you tell me why you consider your
19 occupation to be a journalist?

20 A. I have been a reporter and an editor for
21 newspapers in San Francisco and in Washington State
22 and here in Washington, D.C.

1 I have also done television news in
2 California and in the Washington, D.C. area.

3 Q. Can you tell me your employment history
4 chronologically?

5 A. It is going to take awhile.

6 I started out as a reporter for the San
7 Francisco Sun newspaper just out of college. I
8 wrote for a magazine called Cascades in Seattle. I
9 went back to San Francisco where I was a reporter
10 for the San Francisco Examiner.

11 I moved to Washington, D.C. where I was a
12 reporter for the Washington Star. I did television
13 news for WETA television, produced children's
14 programs for an independent production company. I
15 went back to WETA as a news documentary producer,
16 from there to The Washington Post as a reporter and
17 then as a copy editor.

18 I told you this would take awhile.

19 From there to Channel 9, where I was the
20 executive editor for news. From there to the
21 Newspaper Publisher's Association of America. And
22 from there to the National Association of Black

1 Journalists, where I was the Executive Director.

2 From there, and simultaneously, I was
3 Coordinator of Unity '94 and I am presently now a
4 consultant to Knight Ridder Newspapers.

5 Q. Can you tell me specifically what your
6 affiliation was with Unity '94?

7 A. I set up the national office, hired and
8 supervised and trained the staff, maintained the
9 national office, coordinated the volunteers, the
10 professional staff, oversaw the production of the
11 convention program book, sought and got sponsorship
12 for all the major events of Unity '94, and just
13 general duties as assigned by the Board.

14 Q. You are currently still affiliated with
15 Unity '94?

16 A. No. I'm not.

17 Q. How long were you with Unity '94?

18 A. About two years.

19 Q. What would be roughly the dates of your
20 membership?

21 A. '93 to '95, roughly.

22 Q. You described two different positions, I

1 believe.

2 A. I was doing them simultaneously as the
3 Executive Director of the National Association of
4 Black Journalists and Coordinator of Unity '94.

5 Q. Can you tell me what the nature of the
6 organization is, Unity '94?

7 A. It was a coalition of the four minority
8 journalists associations representing Asian
9 journalists, Black journalists, Hispanic
10 journalists and Native American. We got together
11 to stage a joint convention for the first time in
12 Atlanta in 1994.

13 Q. How many members does the organization
14 Unity '94 have?

15 A. It wasn't really that sort of an
16 organization. The Unity '94 Board of Governors was
17 the planning body for representing the four
18 organizations that I mentioned. On this Board
19 there were 12 people, 3 from each of the
20 associations, and that Board carried out the
21 policies of Unity '94. We each took direction.

22 I mean, Unity '94 took direction from the

1 separate organizations, but the policy making body
2 was the 12 member Unity Board of Directors.

3 MR. NOTO: Off the record.

4 (Discussion off the record.)

5 MR. NOTO: We can go back on the record.

6 BY MR. NOTO:

7 Q. So, the members of the organization are
8 various journalists associations?

9 A. Correct.

10 MR. REINER: Objection. Move to strike.
11 Go ahead.

12 MR. NOTO: Do you have grounds for that
13 objection?

14 MR. REINER: Yes. Members of the
15 association, I don't think that was the testimony,
16 but that is okay.

17 BY MR. NOTO:

18 Q. Can you tell me if there are affiliations
19 between Unity '94 and other organizations?

20 MR. REINER: Objection to the form of the
21 question.

22 THE WITNESS: A loose affiliation with

1 the National Gay and Lesbian Journalist
2 Association. They were not full members, but they
3 were participants in some of the activities of
4 Unity '94.

5 BY MR. NOTO:

6 Q. What is a member of Unity '94?

7 A. Well, the members of the governing board,
8 representatives of each of the four associations.

9 Q. What is Unity '94's definition of a
10 member?

11 A. A representative from one of the four
12 member associations.

13 Q. Are individuals from the member
14 associations also members of Unity '94?

15 MR. REINER: Objection. It's contrary to
16 the testimony. Leading question.

17 THE WITNESS: I'm not sure I understand
18 the question.

19 BY MR. NOTO:

20 Q. Let me rephrase.

21 Does the National Association of Black
22 Journalists have members?

1 MR. REINER: Objection.

2 THE WITNESS: Yes.

3 MR. REINER: Asked and answered.

4 BY MR. NOTO:

5 Q. Are members of the National Association
6 of Black Journalists members of Unity '94?

7 MR. REINER: Objection to the question.
8 No foundation has been laid as to time frame.

9 BY MR. NOTO:

10 Q. During the time period that you were
11 affiliated with Unity '94.

12 MR. REINER: Objection. No foundation as
13 to the time period.

14 THE WITNESS: Yes. There were three
15 members from the National Association of Black
16 Journalists who are members of the Unity '94
17 Board.

18 BY MR. NOTO:

19 Q. Please tell us who was on the Board.

20 MR. REINER: Objection. No foundation
21 for time. No foundation and no time frame.

22 MR. NOTO: Let me rephrase.

1 BY MR. NOTO:

2 Q. Please tell us who was on the Board
3 during the time period you were associated with the
4 organization Unity '94.

5 MR. REINER: Objection. Time frame has
6 not been established.

7 THE WITNESS: Membership floated. It was
8 a very complicated process.

9 Each association had three members on the
10 Unity Board. The President of each of the
11 associations, during his or her time in office, was
12 a member of that Board, along with one other member
13 of each of the associations, and the Executive
14 Director for each of the associations were members
15 of the Board.

16 The President of, for example, the
17 National Association of Black Journalists, the
18 Presidency changed during the two year span that I
19 worked for Unity '94.

20 So, if you can tell me a time frame, I
21 can probably recall all of the members over that
22 two years, but it did rotate, membership rotated.

1 BY MR. NOTO:

2 Q. For the record, again, could you repeat
3 the time frame that you were affiliated with
4 Unity '94?

5 A. About '93 to '95.

6 Q. During the time frame from 1993 to 1995,
7 can you tell me about the makeup of the Board?

8 A. During the first year, representing the
9 National Association of Black Journalists, Sidmel
10 Estes-Sumpter was a representative of NABJ.

11 Q. NABJ?

12 A. National Association of Black
13 Journalists.

14 Representing the Native American
15 journalists was Mark Trahant, T-R-A-H-A-N-T.

16 The Asian journalists -- I'm sorry. I'm
17 having a hard time recalling all of the members
18 because of the shifting time frame.

19 The President of the Hispanic journalists
20 at the time I believe was Diane Alverio.

21 I simply can't recall in any order here
22 the members of all of the other associations. I

1 just don't remember the time frames.

2 Q. The names of the individuals you just
3 provided, do you know if they held any positions or
4 offices?

5 MR. REINER: Objection to the question.
6 Vague.

7 THE WITNESS: Outside of the
8 associations?

9 They were President of the associations,
10 of their respective associations, therefore they
11 had a slot on the Unity Board.

12 BY MR. NOTO:

13 Q. Was the President of the National
14 Association of Black Journalists on the Unity
15 Board?

16 A. Yes.

17 Q. Was the President of the Native American
18 Journalists Association on the Unity Board?

19 A. Yes.

20 Q. Was the President of the National
21 Association of Hispanic Journalists on the Unity
22 Board?

1 A. Yes.

2 Q. Was the President of the Asian American
3 Journalists Association on the Unity Board?

4 A. Yes.

5 Q. Does Unity '94 have a mission statement?

6 MR. REINER: Objection.

7 THE WITNESS: It did. Yes.

8 BY MR. NOTO:

9 Q. Do you know what that mission statement
10 is?

11 A. I can only recall it in broad terms,
12 which was to stage a convention in Atlanta to
13 represent the four minority journalist
14 associations. It was an effort to show the
15 newspaper and broadcast industries that there were,
16 in fact, journalists of color, that their members
17 were involved in self education programs, and we
18 wanted to demonstrate what sort of training we
19 provided for our members.

20 We also had a Job Fair in connection with
21 Unity '94.

22 Q. Do you know when the organization was

1 first created?

2 A. I was not a part of it, but I joined late
3 in the process. I joined the staff late in the
4 process. It had been in the works for about four
5 years before I started working for Unity '94.

6 Q. Did a convention occur in Atlanta?

7 A. Yes. It did.

8 Q. Was that the first convention?

9 A. Yes. It was.

10 Q. Have there been any conventions after the
11 convention in Atlanta?

12 A. No. Each of the individual associations
13 have had conventions, but there was never another
14 Unity convention since '94.

15 Q. Does the organization have meetings?

16 A. It no longer does.

17 There is a Unity '99 being planned.
18 After Unity '94, we resolved to have another
19 convention. But Unity '94 was a distinct event.
20 This convention is a follow-up.

21 The one that is planned for '99 is a
22 follow-up, but there is no real continuity there.

1 I mean, the boards have changed, it is a whole
2 different sort of structure now.

3 Q. Do you know who is planning this
4 Unity '99?

5 A. Another 12 member planning group made up
6 of the Presidents and the appointee from each of
7 the associations, along with the Executive
8 Directors of each of the associations. Again, that
9 12 member Board. There is some staff as well.

10 MR. REINER: Please note my continuing
11 objection to the relevancy of any of this testimony
12 and I move to strike all prior testimony on
13 relevancy grounds.

14 BY MR. NOTO:

15 Q. Do you know what the purpose of the
16 Unity '94 meeting was?

17 A. Yes.

18 It was an effort to create a coalition
19 among the journalist organizations. Journalists of
20 color wanted to demonstrate that there were
21 talented qualified journalists of color before the
22 publishers and editors, many of whom had never

1 attended our conventions before, and a place to
2 provide training for our members.

3 The primary focus was to have workshops,
4 town meetings, for print and broadcast journalists
5 to strengthen their skills. That was the main
6 purpose. But the other was to demonstrate to the
7 industry that we were there, in fact, in great
8 numbers.

9 MR. REINER: Excuse me. I don't want to
10 keep interrupting.

11 Would you just, please, note it's a
12 continuing objection?

13 Understood, counsel?

14 MR. NOTO: That is fine.

15 MR. REINER: On the relevancy ground.

16 BY MR. NOTO:

17 Q. Do you know how many people attended this
18 convention?

19 A. About 6,000.

20 Q. Do you know the names of any other people
21 who were in attendance?

22 MR. REINER: Object to the question.

1 MR. NOTO: Let me rephrase that.

2 BY MR. NOTO:

3 Q. Did you attend the convention?

4 A. Yes. I did.

5 Q. Do you know the names of any other people
6 that attended the convention?

7 A. I knew quite a few. There were 3,000
8 African American journalists. I know hundreds. I
9 don't know where to begin with this one.

10 Yes. I knew lots of people who attended,
11 including Arthur ^{Salzberger}~~Saltzberg~~, Jr., the publisher of
12 the New York Times, Donald Graham, the publisher of
13 The Washington Post. There were journalists from
14 that side of the business, as well as working print
15 journalists. Bill ^{Rasberry}~~Rasbury~~ at the Post.

16 I don't know where to begin with this
17 list.

18 Q. Did anyone attend that was not a
19 journalist, to your knowledge?

20 A. Yes. There were some corporate sponsors
21 of events and some of those individuals attended.

22 Q. Do you know if most of the people that

1 attended were journalists?

2 A. Yes. Most were.

3 Q. Do you know what business was conducted
4 at this meeting?

5 MR. REINER: Objection.

6 THE WITNESS: Primarily it was an
7 opportunity for training for the individual members
8 of the associations, to do some cross training.

9 In years prior to Unity '94 each of the
10 four associations have had separate conventions.
11 Very few people attended more than one representing
12 their own ethnic or cultural group. This was an
13 effort for the first time to get the four groups
14 together so that there were joint workshops, joint
15 demonstrations, a job fair for everyone.

16 I would say that if there was any actual
17 business conducted, it would have been conducted at
18 the job fair where people were interviewed for jobs
19 and, in fact, offered some. People were offered
20 jobs as a result of the job fair.

21 MR. NOTO: Can we go off the record for a
22 moment?

1 (Discussion off the record.)

2 MR. NOTO: Back on the record.

3 I would like to have marked as Exhibit 1
4 this document entitled, Mascot Resolution, and it
5 has a Unity '94 name and logo. It is a one-page
6 document.

7 (Swanston Exhibit No. 1
8 was marked for identification.)

9 MR. REINER: Just please note for the
10 record that this is one of the documents that I
11 referred to earlier in my statement that was not
12 produced during discovery.

13 I object to any marking of the document,
14 introduction of the document or any questions being
15 asked about the document on that ground, as well as
16 other grounds, such as relevancy and whatever else
17 might be appropriate to object to.

18 MR. NOTO: Let the record show that
19 Exhibit No. 1 is in front of the witness.

20 BY MR. NOTO:

21 Q. Have you ever seen this document, Exhibit
22 No. 1, before?

1 A. Yes.

2 Q. Do you know what it is?

3 A. It's a resolution that was proposed by
4 the Native American Journalists Association during
5 a Unity Board meeting that asked for the support of
6 the other associations in objecting to the name,
7 the use of, pejorative use of, Native American --
8 let me rephrase this.

9 The resolution was to object to the use
10 of derogatory names for Native Americans as being
11 used by support teams, sports teams.

12 MR. REINER: Move to strike the
13 testimony.

14 BY MR. NOTO:

15 Q. Do you know who drafted this document?

16 A. To the best of my knowledge, it was
17 several people, but one of the participants was
18 Paul DeMain.

19 Q. Do you know if anyone else was involved
20 in the drafting of the document?

21 A. I don't know the specific people. No. I
22 don't.

1 Q. Do you know how resolutions are passed by
2 Unity '94?

3 MR. REINER: Objection.

4 THE WITNESS: Yes. The voting members of
5 the Board. There had to be a majority vote by the
6 voting members of the Board.

7 The voting members of the Board, of the
8 12 member Board, were the 8 people who were the
9 elected representatives of the association. The
10 Executive Directors did not have a vote. Only the
11 two elected representatives from each association
12 had a vote.

13 Each association had 12 members on the
14 Board, the President of each association and one
15 other appointed person, but had to be an elected
16 representative of the association.

17 Ex-officio members were the executive
18 member, one from each association, that made up the
19 12 members of the Board, but only eight of those
20 members could vote, two representing each
21 association.

22 MR. REINER: Objection again. Move to

1 strike the testimony.

2 BY MR. NOTO:

3 Q. Do you know if this document was
4 presented as a resolution?

5 MR. REINER: Objection. No foundation
6 laid.

7 THE WITNESS: Yes. It was.

8 BY MR. NOTO:

9 Q. Do you know if this document was
10 presented as a resolution at the Unity '94
11 convention?

12 A. It was presented at a Board meeting prior
13 to the Unity '94 convention.

14 Q. When did this Board meeting occur?

15 A. I don't have a recollection of the date
16 and after Unity '94 we packed up the office and
17 shipped all the records away. So, I have no
18 documentation in my hands now of when this was
19 adopted. I just recall that it was at a Board
20 meeting prior to the convention itself.

21 Q. Where did this Board meeting take place?

22 A. Atlanta.

1 Q. Did you attend this Board meeting?

2 A. Yes. I did.

3 Q. Do you know how many people were at this
4 Board meeting?

5 A. More than the usual 12 because we had
6 people in from the other associations presenting
7 reports.

8 There may have been as many as 20 people
9 present when this was discussed, but, again, only
10 eight people were eligible to vote on it.

11 Q. Did the Board entertain any resolutions
12 at this meeting?

13 A. There was some discussion, yes, of a
14 resolution by the black journalists to oppose the
15 presence of the Confederate flag over some of the
16 institutions that we were going to be holding
17 meetings at at Atlanta.

18 For example, some of the hotels displayed
19 a Confederate flag. The Georgia World Congress
20 Center had a Confederate flag.

21 So, there was some discussion of that.
22 There was no formal resolution passed, however,

1 objecting to the use of that flag.

2 Q. Do you know how many resolutions were
3 considered by the Board at this meeting?

4 A. I don't recall.

5 Q. Exhibit No. 1, which is entitled
6 Resolution, was that considered by the Board at
7 this meeting?

8 A. Yes. It was.

9 Q. Was there a vote taken by the Board at
10 this meeting relating to any resolutions?

11 A. In addition to this one, I don't recall.

12 Q. Was there a vote taken with regard to
13 this resolution, Exhibit 1?

14 A. Yes. There was.

15 Q. Do you recall what the vote was regarding
16 this resolution?

17 A. I do not. I recall only that it passed
18 and that was the way we recorded the votes. We
19 were trying not to be divisive. So, it passed and
20 it was recorded that way.

21 Q. Who would have recorded that?

22 MR. REINER: Excuse me. I just didn't

1 hear the question.

2 BY MR. NOTO:

3 Q. Who would have recorded that?

4 A. The secretary of Unity '94 during this
5 time period was Dorothy Gillium, who was also the
6 President of the ^{National} Association of Black Journalists.
7 At the time that this resolution was passed, or was
8 discussed and passed, I was taking minutes on her
9 behalf.

10 Q. Did you take the minutes for the entire
11 meeting of the Board?

12 A. Not of the entire meeting, but of certain
13 parts of the meeting.

14 Q. Did you take the minutes for that portion
15 of the Board meeting relating to resolutions?

16 A. Yes. I did.

17 Q. Did you take the minutes relating to this
18 Mascot Resolution shown in Exhibit No. 1?

19 A. Yes. I did.

20 Q. Do you recall what you recorded in the
21 minutes with regards to this Mascot Resolution,
22 Exhibit No. 1?

1 MR. REINER: Objection.

2 THE WITNESS: Only that it was
3 presented. I did not record the vote, the number
4 of votes. I did record that it passed, that the
5 resolution passed.

6 BY MR. NOTO:

7 Q. Do you have a copy of the minutes
8 regarding this resolution at the Board?

9 A. I did until about two months ago. I no
10 longer have it.

11 Q. Where would those documents be now, the
12 meeting documents?

13 A. Destroyed. My handwritten notes were
14 destroyed.

15 The formal minutes are packed in a box
16 somewhere, as far as I know. I don't know where
17 the formal minutes are.

18 Q. Why were your notes destroyed?

19 A. After I heard from an attorney about this
20 matter about six months ago asking some questions,
21 I didn't hear anything for months, and assumed I
22 was no longer needed or it had gone away. I was

1 cleaning out the office and tossed my notes.

2 MR. REINER: Please note that I move to
3 strike all the testimony, all the exhibits, on the
4 grounds that evidence was destroyed after notice of
5 the proceedings were being conducted and the
6 intention to call this witness.

7 BY MR. NOTO:

8 Q. The formal meeting notes, are they in
9 your possession?

10 A. They are not.

11 Q. Do you know where the formal meeting
12 notes are located?

13 A. I do not at the moment.

14 They are probably stored with the other
15 documentation from Unity '94, but I don't know at
16 this point where those are.

17 Q. Do you know the names of any individuals
18 who may know where these documents were stored?

19 A. Yes.

20 One is Diane Wong. She was an employee
21 of Unity '94 at the time.

22 Another is Ann Kimbrough, who was the

1 Executive Director of Unity '99. Some of those
2 records may have been handed off to her when she
3 became Executive Director. I'm not positive of
4 that.

5 Q. The Executive Director's name again?

6 A. Ann Kimbrough. K-I-M-B-R-O-U-G-H.

7 MR. NOTO: Off the record a minute.

8 (Discussion off the record.)

9 MR. NOTO: Back on the record.

10 BY MR. NOTO:

11 Q. On Exhibit No. 1 a name appears, Paul
12 DeMain, and a signature.

13 A. Yes.

14 Q. Do you know who that is?

15 A. Yes. I know Paul DeMain. He was at the
16 time President of Unity '94, as well as President
17 of the Native American Journalists Association.

18 Q. How did he become President of Unity '94?

19 A. The presidency of Unity '94 rotated every
20 calendar year. Each association President had a
21 turn being President of Unity '94. So, it rotated.

22 Q. Have you seen any other resolutions that

1 have been passed by Unity '94?

2 MR. REINER: Objection for relevancy, as
3 well as all the other stated objections about this
4 deposition.

5 THE WITNESS: There were other
6 resolutions, yes, and I have seen some others.

7 BY MR. NOTO:

8 Q. The other resolutions that you have seen,
9 were they signed by the President of Unity '94?

10 A. No.

11 This one was intended for a different
12 reason than the others. For example, there were
13 resolutions about whether to accept sponsorship
14 from alcohol and tobacco companies. That was
15 something that was an internal resolution. That
16 didn't have an effect outside of the Unity Board.
17 It just governed what we were going to do in terms
18 of fund-raising activities.

19 So, there were those sorts of
20 resolutions.

21 Q. Who signed those resolution that were,
22 quote, "internal resolutions"?

1 MR. REINER: Objection.

2 THE WITNESS: They were not signed. They
3 were just voted on by the Board and just entered
4 into the records.

5 BY MR. NOTO:

6 Q. Are copies of the resolutions kept by
7 Unity '94?

8 MR. REINER: Objection.

9 THE WITNESS: I no longer recall. I
10 don't know. I haven't seen those records since
11 they left my possession.

12 BY MR. NOTO:

13 Q. During your time period with Unity '94,
14 did you have possession of documents related to
15 Unity '94?

16 A. I did and my staff did. The staff of
17 Unity of '94 I supervised did. Yes.

18 Q. What types of documents did you have in
19 your possession?

20 A. The financial records. We had minutes.
21 We had contracts with vendors. We had information
22 on fund-raising. We had letters of invitation to

1 participants. Those kinds of documents.

2 Q. Did anyone at the organization maintain
3 copies of resolutions that were passed by
4 Unity '94?

5 MR. REINER: Objection.

6 THE WITNESS: Yes. They were maintained
7 by the nationals, by the staff member.

8 BY MR. NOTO:

9 Q. Do you know who that staff member would
10 have been in July and August of 1994?

11 A. Yes, Rebecca Finley. F-I-N-L-E-Y.

12 Q. Did Ms. Finley keep copies of all the
13 resolutions that were passed by Unity '94?

14 MR. REINER: Objection. Calling for
15 speculation on the part of this witness.

16 THE WITNESS: I don't know if she kept
17 all. She was given records. She was the
18 administrative assistant and was given information
19 to file, was sent information to file.

20 The effort was for her to keep the
21 records of Unity '94. Whether or not she has all
22 the resolutions, I do not know.

1 BY MR. NOTO:

2 Q. You stated she was an administrative
3 assistant. Was she an administrative assistant for
4 another person?

5 A. She worked under my supervision. I had
6 two separate staffs, one for the National
7 Association of Black Journalists, one for Unity
8 '94. We worked in the same building and I
9 supervised both staffs.

10 Q. Did you supervise Ms. Finley during July
11 and August of 1994?

12 A. Yes.

13 Q. Do you know how many resolutions were
14 passed during the time that you were Executive
15 Director at Unity '94?

16 A. I do not.

17 Q. Do you know how resolutions were prepared
18 during the time you were Executive Director of
19 Unity '94?

20 MR. REINER: Objection. Vague. As well
21 as all the other objections I have made as to
22 relevancy.

1 THE WITNESS: I'm not aware how all were
2 made. No. Some grew out of discussions of the
3 moment during Board meetings. Some were presented
4 as full blown documents that were presented for
5 action by the Unity Board, as was this document.

6 BY MR. NOTO:

7 Q. After the resolutions were passed, did
8 Ms. Finley keep copies of the resolutions?

9 A. If she was given them to file, she kept
10 copies.

11 Q. Do you know if Ms. Finley kept a copy of
12 the Mascot Resolution, Exhibit No. 1?

13 A. I do not know.

14 Q. Had you seen a copy of this Mascot
15 Resolution, Exhibit No. 1, after July 1994, prior
16 to today?

17 A. Not that I recall.

18 Q. During the time that you supervised
19 Ms. Finley, what other records did Ms. Finley keep
20 in her duties as administrative assistant?

21 MR. REINER: Objection.

22 THE WITNESS: Financial program

1 information. Contracts with vendors. Fund-raising
2 information. That sort of thing.

3 BY MR. NOTO:

4 Q. Is Exhibit No. 1 a true and correct copy
5 of the resolution as adopted by Unity '94 on July
6 28, 1994 in Atlanta, Georgia?

7 MR. REINER: Objection.

8 In view of the witness' prior testimony
9 concerning the resolution, that is speculative.

10 BY MR. NOTO:

11 Q. You did attend the meeting of Unity '94
12 in Atlanta, Georgia on July 28, 1994?

13 A. Yes. I did.

14 Q. Did you see a copy of a resolution
15 entitled Mascot Resolution on July 28, 1994 at the
16 convention in Atlanta?

17 A. Prior to the convention, yes, I did see a
18 copy of it.

19 Q. Is Exhibit No. 1 a true and correct copy
20 of the resolution that you saw in July of 1994?

21 MR. REINER: Objection.

22 THE WITNESS: To the best of my

1 recollection it is.

2 MR. NOTO: Did you have another
3 objection?

4 MR. REINER: I just put in an objection.

5 MR. NOTO: Could I have that last
6 question read back to me?

7 (The reporter read the requested portion
8 of the record.)

9 BY MR. NOTO:

10 Q. Is Exhibit 1 a true and correct copy of
11 the resolution as adopted by the organization
12 Unity '94 on July 28, 1994?

13 MR. REINER: Objection.

14 THE WITNESS: To the best of my
15 recollection.

16 MR. NOTO: I would like to offer Exhibit
17 No. 1 into evidence as an exhibit for this
18 deposition.

19 MR. REINER: For all the reasons I have
20 stated before, I object, and reserve rights to
21 cross examine without waiving my objections.

22 MR. NOTO: That is all I have.

1 MR. REINER: Thank you.

2 EXAMINATION BY COUNSEL FOR RESPONDENT

3 BY MR. REINER:

4 Q. I have some questions. If you have
5 difficulty in the phraseology, just tell me and I
6 will restate them or try to clarify so there is no
7 ambiguity here.

8 Okay?

9 A. Certainly.

10 Q. There is a person you identified as
11 Paul DeMain as being President of the Native
12 American journalists; is that correct?

13 A. He was then President of the Native
14 American Journalists Association.

15 Q. Do you know whether he is a member of a
16 tribal group?

17 A. He is. I don't recall which.

18 Q. Do you know whether or not he had any
19 authorization to represent his tribal group at this
20 Unity '94 convention?

21 MR. NOTO: Objection. Lack of
22 foundation. Assumes a hypothetical and facts not

1 in evidence.

2 THE WITNESS: I don't know.

3 BY MR. REINER:

4 Q. Do you know whether any survey was taken
5 of any tribal groups prior to the introduction of
6 this document that has been marked Exhibit No. 1?

7 MR. NOTO: Objection. Lack of
8 foundation.

9 THE WITNESS: I don't know.

10 BY MR. REINER:

11 Q. Did Mr. DeMain, at the meeting to which
12 you attended, indicate in any manner who assisted
13 him in the drafting of this resolution?

14 MR. NOTO: Objection. Vague. You didn't
15 state which meeting.

16 MR. REINER: You are right, counsel. I
17 didn't.

18 BY MR. REINER:

19 Q. There was a meeting prior to the
20 convention of this Board of Directors of 12
21 persons; is that correct?

22 A. Correct.

1 Q. If I use that as the word meeting, you
2 understand what I am talking about?

3 A. Yes.

4 Q. Now, at that meeting did Mr. DeMain state
5 in any manner who assisted in the preparation of
6 this document, which has been marked Exhibit No. 1?

7 A. I don't recall.

8 Q. Did Mr. DeMain in any manner indicate
9 whether he had conferred with any of the
10 petitioners in this proceeding?

11 A. How do you define petitioners?

12 Q. The persons who brought this proceeding.
13 Do you know who they are?

14 Withdraw the question.

15 Do you know who the petitioners are in
16 this proceeding? That may be simpler.

17 A. I don't. I don't know all. I only know
18 Paul DeMain. I just simply don't recall who else.

19 Q. Do you know a Suzan Harjo?

20 A. Yes.

21 Q. Did Mr. DeMain mention her name at all at
22 this meeting?

1 A. I don't recall.

2 Q. Did you ever discuss this resolution with
3 Suzan Harjo?

4 A. I did not.

5 Q. Did Mr. DeMain indicate that he had
6 talked with Suzan Harjo about this resolution?

7 A. Not that I recall.

8 Q. At the meeting was there any discussion
9 concerning the text of this resolution?

10 A. Yes. There was discussion.

11 Q. What discussion was there?

12 A. To the best of my recollection, it only
13 spurred a discussion about some other issues that
14 the other associations had.

15 To the best of my recollection, there was
16 no real objection, there was no critical discussion
17 of this resolution, but only about other things
18 that needed to be addressed as well that were not
19 related to this issue.

20 Q. You mentioned that Paul DeMain at the
21 time was the President of the Native American
22 Journalists Association?

1 A. Yes.

2 Q. Are you familiar with the organization,
3 with that particular organization?

4 A. Yes.

5 Q. Do you know how many persons are members
6 of that organization?

7 A. At the time, as I recall, there were
8 about 600 members.

9 Q. Do you know whether or not those members
10 were all Native American Indian persons?

11 A. I do not.

12 Q. Do you know of any resolution that the
13 Native American Journalists Association adopted in
14 relation to this Exhibit No. 1?

15 A. Restate please.

16 Q. Okay.

17 Do you know if any resolutions were
18 adopted by the Native American Journalists
19 Association prior to the meeting with respect to
20 this resolution which has been identified as
21 Exhibit No. 1?

22 A. I do not know.

1 Q. Do you have any information or knowledge
2 of whether or not Mr. DeMain was authorized by the
3 Native American Journalists Association to
4 introduce this resolution at the meeting?

5 A. He said that he was or indicated that he
6 was authorized to do it.

7 Q. Did he produce any document which would
8 verify such authorization?

9 A. To the best of my knowledge, no.

10 Q. At the time that this resolution was
11 adopted at the meeting who was the other person
12 from the Native American Journalists Association in
13 attendance?

14 A. I believe it was Mark Trahant.

15 Q. Did Mr. Trahant indicate that he had
16 participated in the drafting of this resolution?

17 A. I don't recall.

18 Q. Do you know if Mr. Trahant is a member of
19 an Indian tribe?

20 A. Yes. I don't know which.

21 Q. Was the organization known as Unity '94
22 dissolved?

1 A. Yes.

2 Q. When did that occur?

3 A. I'm not positive when the books were
4 closed. I couldn't state exactly.

5 Q. Were you employed by this organization
6 called Unity '94?

7 A. I was not paid by Unity '94. I was paid
8 by the National Association of Black Journalists.

9 Q. Were there any staff members that were
10 paid by Unity '94, to your knowledge?

11 A. Yes. There were.

12 Q. Who would they have been?

13 A. One would have been Diane Wong. Another
14 Rebecca Finley.

15 There were other consultants, other
16 vendors, convention planners, that sort of people.

17 Q. Did this Unity '94 maintain a separate
18 office from the Black Journalists Association?

19 A. Yes.

20 Q. Was it in the same building?

21 A. Yes. It was.

22 Q. Was it adjacent to the offices of the

1 Black Journalists Association?

2 A. Yes.

3 Q. Did Unity '94 have a constitution and
4 bylaws?

5 A. Yes. It did.

6 Q. Did that specify what the authority of
7 the Board was?

8 A. Yes.

9 Q. When were the constitution and bylaws
10 adopted for Unity '94?

11 A. I wasn't part of that. I'm not certain.

12 Q. Did you see any drafts of a document that
13 was used to prepare Exhibit No. 1?

14 A. I did not.

15 Q. Did Mr. DeMain have any other documents
16 relating to Exhibit No. 1 with him at the meeting?

17 A. I don't recall.

18 Q. Did Mr. Trahan have any other documents
19 relating to Exhibit No. 1 at the meeting?

20 A. I don't recall.

21 Q. Have you ever heard of the Star Tribune
22 in Minneapolis before?

1 A. Yes.

2 Q. Is that a newspaper of general
3 circulation, to your knowledge?

4 A. Yes.

5 Q. Have you ever heard of the Portland
6 Oregonian?

7 A. Yes.

8 Q. Is that a newspaper of general
9 circulation?

10 A. Yes. It is.

11 Q. Have you ever seen any documents from
12 tribal leaders of Native American Indian tribes
13 indicating support for the use of the word Redskins
14 by the Washington Redskins football team?

15 MR. NOTO: Objection. Lack of
16 foundation. Relevancy.

17 THE WITNESS: No.

18 BY MR. REINER:

19 Q. Prior to the voting on this resolution,
20 which has been identified as Exhibit No. 1, did you
21 see any other writings concerning the use of the
22 word Redskins or Washington Redskins by the

1 football team located here in Washington as part of
2 the files of Unity '94?

3 MR. NOTO: Objection. Lack of
4 foundation. Facts not in evidence.

5 THE WITNESS: No.

6 BY MR. REINER:

7 Q. Did you ever have any discussions with
8 any representative of any Native American Indian
9 group about Exhibit No. 1 other than discussions
10 with Paul DeMain?

11 MR. NOTO: Objection. Lack of time frame
12 and vague.

13 BY MR. REINER:

14 Q. At any time.

15 A. Yes. I did with Mark Trahan over time,
16 with Paul DeMain prior to this meeting, with Gordon
17 Regguinti.

18 Q. Who is Mr. Regguinti?

19 A. He was Executive Director of the Native
20 American Journalists Association.

21 Q. And you had a discussion prior to the
22 meeting about the resolution with Mr. Regguinti?

1 Is that what I understand?

2 A. Over time. It was not immediately before
3 this. In general conversations we did have
4 discussions.

5 Q. Did you discuss that there would be a
6 resolution introduced at the meeting?

7 A. No.

8 Q. What was the nature of the discussions
9 that you had?

10 A. They were primarily informal
11 discussions. We spent a lot of time together
12 outside of meetings. So, we talked about a lot of
13 things. That was one.

14 Q. Did he show you any drafts of any
15 documents?

16 A. No.

17 Q. Relating to the use of the word
18 Washington Redskins by the football team?

19 A. No.

20 Q. Did you have any discussions with
21 Suzan Harjo prior to the meeting concerning the
22 resolution that appears in Exhibit No. 1?

1 A. No.

2 Q. Did you have any discussion with her
3 after the meeting?

4 A. No.

5 MR. REINER: Off the record.

6 (Discussion off the record.)

7 BY MR. REINER:

8 Q. Is Mr. Regguinti a member of an American
9 Indian tribe, to your knowledge?

10 A. Yes.

11 Q. Do you know which one?

12 A. I do not.

13 ~~I take that back. He is Navajo.~~

14 Q. Do you know what the requirements are to
15 be a member of the Navajo tribe?

16 A. No.

17 Q. Do you know what the requirements are to
18 be a member of any tribe?

19 MR. NOTO: Objection. Lack of
20 foundation.

21 THE WITNESS: Only vaguely.

22 BY MR. REINER:

1 Q. What would that be?

2 MR. NOTO: Objection. Lack of
3 foundation. Beyond the scope of direct.

4 THE WITNESS: To the best of my
5 knowledge, one has to declare that he or she is a
6 member of a particular tribe, and I'm not sure
7 about the ancestry.

8 BY MR. REINER:

9 Q. Did you at the meeting have any
10 discussion about the use of any Indian name or
11 reference to an Indian name apart from use as the
12 name of an athletic team?

13 MR. NOTO: Objection. I believe the
14 question is vague whether she had discussions or
15 somebody else had discussions.

16 MR. REINER: Whether she had any.

17 THE WITNESS: Restate the question,
18 please.

19 MR. REINER: Why don't you read it back?

20 Perhaps it wasn't clear and, if not, I
21 will restate the question.

22 Why don't I just restate the question?

1 BY MR. REINER:

2 Q. Did you have any discussion about the use
3 of any Indian reference other than use with respect
4 to athletic teams?

5 A. In general conversations, yes.

6 Q. Are you familiar with the packing for
7 Land O Lakes butter?

8 MR. NOTO: Objection. Lack of
9 foundation. Facts not in evidence.

10 THE WITNESS: No.

11 BY MR. REINER:

12 Q. I would like to just show you this
13 document and ask you whether or not you have ever
14 seen the packaging for Land O Lake's butter.

15 MR. NOTO: Objection. Facts not in
16 evidence. Lacks foundation.

17 I see where the line of questioning goes,
18 but it has nothing to do with the direct.

19 THE WITNESS: I have seen this. Yes.

20 BY MR. REINER:

21 Q. Did you ever have any discussion with any
22 Native American Indian person concerning the use of

1 the depiction on this packaging?

2 A. No.

3 MR. NOTO: I am going to object to that
4 line of questioning. Not relevant and beyond the
5 scope of the direct.

6 BY MR. REINER:

7 Q. Did Unity '94 at this convention discuss
8 the use of Indian references apart from the use of
9 names for athletic teams?

10 A. I don't recall the specific discussion.

11 Q. Were there any discussions, apart from
12 the use of Indian references, of use by athletic
13 teams?

14 MR. NOTO: I am going to object to
15 vagueness.

16 Discussions by whom?

17 MR. REINER: Just that this person was
18 present at.

19 THE WITNESS: Prior to the meeting or
20 during the meeting?

21 BY MR. REINER:

22 Q. During the meeting.

1 A. I simply don't recall.

2 Q. Prior to the meeting do you recall any?

3 A. Just in general conversations, that had
4 nothing to do with this resolution, with the
5 individual members, Paul DeMain, Gordon Regguinti.
6 Informal discussion, but not relating to this
7 resolution.

8 MR. NOTO: Again, I am going to object to
9 relevancy. Goes beyond the direct questioning.

10 BY MR. REINER:

11 Q. What was the substance of those
12 discussions?

13 MR. NOTO: Same objection again. This
14 person is here to testify as an officer of
15 Unity '94. She is not a Native American.

16 THE WITNESS: I have forgotten the
17 question.

18 (The reporter read the requested portion
19 of the record.)

20 THE WITNESS: The nature of conversation
21 was that the use of the names as they were being
22 used were hurtful to Native Americans, to some

1 Native Americans. It was those sorts of general
2 conversations, what things were hurtful.

3 BY MR. REINER:

4 Q. This would be references to things other
5 than the use of names for athletic teams?

6 A. In addition to the athletic teams.

7 Q. And would that include references to
8 packaging such as for the Land O Lakes butter
9 packaging?

10 MR. NOTO: Objection.

11 THE WITNESS: To my knowledge, that
12 specific one never came up.

13 MR. NOTO: Objection. Lack of
14 foundation.

15 BY MR. REINER:

16 Q. Were these discussions with Mr. DeMain or
17 with persons other than Mr. DeMain?

18 A. Others in addition to Mr. DeMain.

19 Q. Did you have any discussion with
20 Mr. DeMain as to the use of depictions of what
21 would appear on the ARCO Corn Starch packaging?

22 MR. NOTO: Objection. Lack of

1 foundation. Facts not in evidence.

2 Her discussions with Mr. DeMain have
3 nothing to do with this resolution or the meeting.
4 It is not relevant and beyond the scope of direct.

5 MR. REINER: Counselor, I am trying to
6 lay a foundation, trying to find out whether or not
7 she had discussions and whether the discussions had
8 anything to do with this particular resolution.
9 That is what I am trying to find out.

10 Not having had discovery, that is my
11 problem. That is one of the reasons for my
12 continuing objection to this whole deposition.

13 BY MR. REINER:

14 Q. Just let me show you a depiction. I will
15 ask you whether or not you are familiar with the
16 packaging for ARCO Corn Starch?

17 A. Yes.

18 Q. You have seen that before?

19 A. I have seen it before.

20 Q. And there is a depiction in addition to
21 words on that packaging; is that correct?

22 A. Yes.

1 Q. Did you ever have any discussions with
2 Mr. DeMain about this particular packaging?

3 A. No.

4 Q. Did you have any discussions with any
5 other representative of the Native American
6 Journalists Association about this packaging?

7 A. No.

8 Q. Did you have any discussions with
9 Mr. DeMain about the use of the words Redskins by
10 athletic teams playing on Indian reservations?

11 A. No.

12 Q. Are you aware that there are teams that
13 are called Redskins, apart from the Washington
14 Redskins football club?

15 A. No.

16 Q. Did you ever have any discussions with
17 Mr. DeMain about the use of Indian logos by the
18 Washington Redskins football team?

19 A. I don't recall a specific discussion.
20 No.

21 Q. The second paragraph of this document
22 that has been marked Exhibit No. 1 makes reference

1 to mascots and logos; is that correct?

2 A. Yes.

3 Q. Are you familiar with the logo used on
4 the helmet of the Washington Redskins football
5 team?

6 A. Yes.

7 Q. Was that the subject matter of any
8 discussions with Mr. DeMain in reference to this
9 resolution, Exhibit No. 1?

10 A. No.

11 Q. Did you have any discussions at all with
12 any other representative of the Native American
13 journalists concerning the use of the helmet design
14 of the Washington Redskins football team?

15 A. No.

16 Q. Was there any discussions at all at the
17 meeting concerning the use of the helmet logo of
18 the Washington Redskins football team?

19 A. Not that I recall.

20 Q. With respect to this resolution, Exhibit
21 No. 1, did you ever have any discussions with
22 Mr. DeMain concerning the use of an Indian head

1 logo on United States currency coins?

2 A. No.

3 Q. Was that subject ever discussed at the
4 meeting where this resolution, No. 1, was
5 purportedly adopted?

6 A. Not that I recall.

7 Q. Did anyone at the meeting have any
8 depictions of the logo devices used by the
9 Washington Redskins football team that were shown
10 to the members of the committee?

11 A. Not that I recall.

12 MR. REINER: Let me look at my notes. I
13 think we are almost done.

14 BY MR. REINER:

15 Q. At this meeting was there any specific
16 discussions concerning the word Redskins as used by
17 the Washington Redskins football team?

18 A. Yes.

19 Q. Was there any discussions concerning the
20 use of the words Braves by an athletic team?

21 A. Yes.

22 Q. And the word Indians by an athletic team?

1 A. Yes.

2 Q. And the word Chiefs?

3 A. Yes.

4 Q. How long did that discussion of those
5 names take?

6 A. I don't recall the length of that
7 specific part of the discussion.

8 Q. Would the minutes of the meeting reflect
9 such discussions?

10 A. I doubt it.

11 Q. But they could?

12 A. They could.

13 Q. Have you ever read a copy of the petition
14 that was filed in these proceedings concerning the
15 use of the word Washington Redskins by the football
16 team?

17 A. In this document?

18 Q. No. Let me make it clear.

19 Do you understand that a petition was
20 filed in the United States Patent and Trademark
21 Office concerning the use of the word Washington
22 Redskins?

1 A. Today was the first I have heard of that.

2 Q. Then do I understand you have never seen
3 a copy of any petition that was filed?

4 A. Correct. I have not.

5 Q. When was the first time that you were
6 aware that there was any proceeding concerning the
7 use of the words Washington Redskins in the United
8 States Patent and Trademark Office?

9 A. The specifics only today.

10 I did not have a lot of detail about the
11 nature of this case. So, this morning was actually
12 the first time I heard very specifically what was
13 going to be discussed here.

14 Q. You were contacted several months ago, I
15 believe.

16 Was it six months ago?

17 A. About six months ago.

18 Q. Do you recall who contacted you?

19 A. Jerry Marshall.

20 Q. Do you know where he is from or what
21 affiliation he has?

22 A. A law firm in Minneapolis, I believe.

1 Q. What was the substance of your
2 discussions?

3 A. He asked what my association with
4 Unity '94 had been. He asked whether I had records
5 of the meeting as related specifically to a
6 resolution that had to do with the use of Native
7 American names by sports teams. He asked that.
8 That is about all. He tried to find out where the
9 records were, if there were records and where they
10 were.

11 Q. Did you have any discussion concerning
12 giving any deposition in this proceeding?

13 A. He indicated that I would be contacted
14 later. I wasn't sure of the nature of the
15 contact.

16 MR. REINER: I have no further
17 questions.

18 I just renew my motions to strike all the
19 testimony, to strike the exhibit, on the grounds
20 that I had previously stated.

21 I also submit that this has been
22 prejudicial to the respondents because of a lack of

1 providing this information during the discovery
2 phase of these proceedings.

3 MR. NOTO: Off the record.

4 (Discussion off the record.)

5 THE WITNESS: The attorney was Jerry
6 Sullivan, not Marshall.

7 EXAMINATION BY COUNSEL FOR PETITIONERS
8 BY MR. NOTO:

9 Q. This phone call by -- is it Mr. Gerald
10 Sullivan?

11 A. Yes.

12 Q. He asked you where certain documents
13 were?

14 A. Yes.

15 Q. And what did you tell him?

16 A. I told him that I wasn't sure what had
17 happened to the records from Unity '94, including
18 the official minutes.

19 I told him also that I had some, that I
20 had taken the minutes of that meeting, and that I
21 didn't have very many records in my possession
22 still from the meeting.

1 Q. At the time of his phone call did you
2 have the minutes of the meeting in your possession?

3 A. I had some handwritten notes on a legal
4 pad that were portions of the minutes that had been
5 transcribed.

6 Q. At the time of his phone call, did you
7 have a copy of what is now marked as Exhibit No. 1
8 in your possession?

9 A. No.

10 Q. At the time of your phone call, did you
11 know where a copy of this Exhibit No. 1 would be
12 located?

13 A. No. Not specifically.

14 Q. Did you know where a copy of the meeting
15 minutes would be located?

16 A. I suspected that they were with the
17 Unity '94 records that I had shipped off after the
18 convention, but I did not know exactly where those
19 were.

20 MR. NOTO: That is all I have.

21 EXAMINATION BY COUNSEL FOR RESPONDENT

22 BY MR. REINER:

1 Q. Just for clarification purposes, you said
2 you shipped off the Unity '94 records. Where did
3 you ship them to?

4 A. Some were sent to Diane Wong in San
5 Francisco.

6 My administrative assistant actually did
7 it. I didn't do it myself. I asked to have them
8 shipped.

9 Q. And the documents which you had in your
10 possession at the time of the conversation with
11 Mr. Sullivan, did that cover that part of the
12 meeting where Exhibit No. 1 was discussed?

13 A. My notes, only a few handwritten notes,
14 were that this resolution was introduced. There
15 was no substance beyond that.

16 MR. REINER: I have no further questions
17 and I just renew my motions.

18 MR. NOTO: I have no further questions.

19 MR. REINER: Thank you for coming.

20 (Whereupon, at 11:15 a.m., the taking
21 of the deposition was concluded.)

22 (Signature not waived.)

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CERTIFICATE OF DEPONENT

I have read the foregoing 65 pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

WALTERENE SWANSTON

- - -

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public in and for

My commission expires: _____

CERTIFICATE OF NOTARY PUBLIC

I, **Paula J. Eastes**, the officer before whom the foregoing deposition was taken, do hereby testify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me stenographically and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto nor financially or otherwise interested in the outcome of the action.

Paula J. Eastes

Paula J. Eastes

Notary Public in and for
the District of Columbia

My commission expires: February 14, 2001



MASCOT RESOLUTION

Whereas, the mission of Unity '94, an alliance of the National Association of Black Journalists, the Native American Journalists Association, the National Association of Hispanic Journalists and the Asian American Journalists Association is to promote diversity in the news media industry and to encourage fair, accurate and balanced media coverage of communities of color; and,

Whereas, on July 27, 1994, the Native American Journalists Association called upon the Associated Press, the Associated Press Managing Newspaper Editors, the National Association of Broadcasters, the Radio and Television and News Directors Association, Newsfinders and all other media outlets and organizations to officially discontinue the use of Native American and other culturally offensive nicknames, logos and mascots related to professional, college, high school and amateur sports teams; and,

Whereas, the Native American Journalists Association promotes the adoption of the style already in use by papers such as the Portland Oregonian and the Star Tribune in Minneapolis. The style book at the Star Tribune, for example, states: *the paper will not use the following names when referring to sports teams: Redskins and the derivation 'Skins', Redmen, Braves, Indians, Tribe and Chiefs. This applies to professional, college, high school and amateur sports teams.*

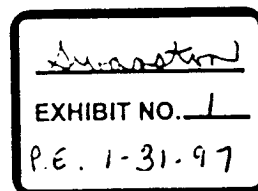
We will continue to use tribal names (e.g. Seminoles, Blackhawks). However, context should be considered; tribal names should be used in a respectful manner. At some point we may choose to reconsider the use of tribal names. In the interim, we will delete the "Fighting" designation when used in front of tribal names.

Now, therefore be it resolved, that UNITY 94 officially adopts the resolution of the Native American Journalist Association of July 27, 1994 as stated above.

Voted and accepted on the 28th day of July, 1994 at Atlanta, Georgia, UNITY 94 Board of Directors.

Paul DeMain

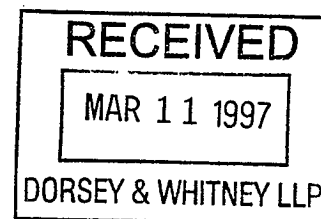
Paul DeMain
UNITY 94 President



MILLER
Reporting
COMPANY
INC.

70286

March 10, 1997



Aldo Noto, Esquire
Dorsey & Whitney
1330 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036

re: SUZAN SHOWN HARJO, et al. v.
PRO-FOOTBALL, INC.
Cancellation No. 21,069
Pages 1 thru 67
January 31, 1997

Dear Mr. Noto:

Enclosed, please find the Original (signed) deposition of
WALTERENE SWANSTON, taken in the above-entitled matter.

Very truly yours,

Robert E. Bailey
Robert E. Bailey

cc: John Paul Reiner, Esquire

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ERRATA SHEETTo the deposition of Walterene Swanston

The deponent having a right to make any changes deemed necessary, hereby makes the following changes into the deposition and states the reason for each change accordingly.

<u>PAGE NO.</u>	<u>LINE NO.</u>	<u>CHANGE</u>	<u>(State Reason for change)</u>
20	11	Subzberger	incorrect spelling
20	15	Raspherry	incorrect spelling
28	6	National	to correct name
50	13	delete line	not sure of info.

Walterene Swanston
DEPONENT'S SIGNATURE

pje

.. 66

CERTIFICATE OF DEPONENT

I have read the foregoing 65 pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Walterene Swanston

WALTERENE SWANSTON

Subscribed and sworn to before me this

28th day of February, 1997.

Dorothy M. McQually

Notary Public in and for

My commission expires: 3/17/97

NOTARIAL SEAL
DOROTHY M. McQUALLY, Notary Public
City of Philadelphia, Philadelphia County
My Commission Expires March 17, 1997

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NR 5: Dem. Ex. Tape-NFL
Film Highlights (7/18/97)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration No. 1,606,810 (REDSKINETTES)
Registered July 17, 1990,
Registration No. 1,343,442 (SKINS)
Registered June 18, 1985,
Registration No. 1,085,092 (REDSKINS)
Registered February 7, 1978,
Registration No. 987,127 (THE REDSKINS & DESIGN)
Registered June 25, 1974,
Registration No. 986,668 (WASHINGTON REDSKINS & DESIGN)
Registered June 18, 1974,
Registration No. 978,824 (WASHINGTON REDSKINS)
Registered February 12, 1974,
and Registration No. 836,122 (THE REDSKINS - STYLIZED LETTERS)
Registered September 26, 1967

Suzan Shown Harjo,)
Raymond D. Apodaca,)
Vine Deloria, Jr.,)
Norbert S. Hill, Jr.,)
Mateo Romero,)
William A. Means, and)
Manley A. Begay, Jr.)
)
Petitioners,)
)
v.)
)
Pro-Football, Inc.)
)
Respondent.)

Cancellation No. 21,069

PETITIONERS' NOTICE OF RELIANCE
UNDER TRADEMARK RULE 2.122(e)

Petitioners hereby offer into evidence and make of record in the above-captioned proceedings the following:

1. Demonstrative Exhibit.

This exhibit consists of representative excerpts from videotapes previously submitted as Petitioners' Exhibits 93-105 with Petitioners' Notice of Reliance filed on February 18, 1997. This demonstrative exhibit of record evidence has been submitted for the Board's convenience in focusing on the portions of Exhibits 93-105 that Petitioners believe to be most significant to this case.

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: 7/18/97

By Stephen R. Baird
Michael A. Lindsay (Reg. No. 163466)
Stephen R. Baird (Reg. No. 214024)
220 South Sixth Street
Minneapolis, Minnesota 55402
Telephone: (612) 340-2600

ATTORNEYS FOR PETITIONERS

NR 5

**Demonstrative Exhibit:
NFL Film Highlights**

NR 6: Iron Redskin
excerpts (7/24/97)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration No. 1,606,810 (REDSKINETTES)
Registered July 17, 1990,
Registration No. 1,343,442 (SKINS)
Registered June 18, 1985,
Registration No. 1,085,092 (REDSKINS)
Registered February 7, 1978,
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Suzan Shown Harjo,
Raymond D. Apodaca,
Vine Deloria, Jr.,
Norbert S. Hill, Jr.,
Mateo Romero,
William A. Means, and
Manley A. Begay, Jr.

Petitioners,

v.

Pro-Football, Inc.

Respondent.

Cancellation No. 21,069

**PETITIONERS' NOTICE OF RELIANCE
UNDER TRADEMARK RULE 2.122(e)**

Petitioners, pursuant to the Joint Stipulation of the Parties dated July 18, 1997,
hereby offer into evidence and make of record in the above-captioned proceedings
the following:

1. Excerpts from the books The Iron Redskin (1994) and Illustrated Indian Motorcycle Buyer's Guide: All the Iron Redskins from 1901 (1989), designated as Petitioners' Exhibit 170.

The excerpts from the above books submitted with this Notice of Reliance supplement the material Respondent submitted in connection with the rebuttal deposition of Geoffrey Nunberg.

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: July 24, 1997

By 
Michael A. Lindsay (Reg. No. 163466)
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ATTORNEYS FOR PETITIONERS